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ABSTRACT

This report outlines the activities of the National Advisory Council on Indian Education (NACIE) for fiscal year 1990, and presents statistics and information on Indian schools and educational programs. Parts I and II describe NACIE and its activities: advising the Secretary of Education and Congress on the development of educational regulations and policies; reviewing applications for grants and fellowships; reviewing Indian education programs and projects; participating in the White House Conference on Indian Education and the Indian Nations At Risk Task Force (INAR); and providing technical assistance. Parts III and IV provide an overview of Indian education programs and grants supporting them. Part V compiles statistical information on American Indian and Alaska Native enrollments in public, private, and Bureau of Indian Affairs elementary and secondary schools and in higher education institutions; degrees conferred 1979-89; and participation and scores for the Scholastic Aptitude Test and the American College Testing Program. Part VI outlines goals, activities, and major findings of the INAR. Parts VII and VIII describe the pending White House Conference on Indian Education and summarize recommendations from three 1990 "mini-summits" on Indian education. Extensive appendices: (1) describe NACIE meetings; (2) profile 32 programs benefitting Native students; (3) outline Department of Education responses to past NACIE recommendations, 1985-89; (4) describe 10 innovative demonstration projects; and (5) present the text of Indian Education laws P.L. 100-297, 100-427, and 101-301 and Office of Indian Education program regulations. This report contains 50 data tables. (SV)

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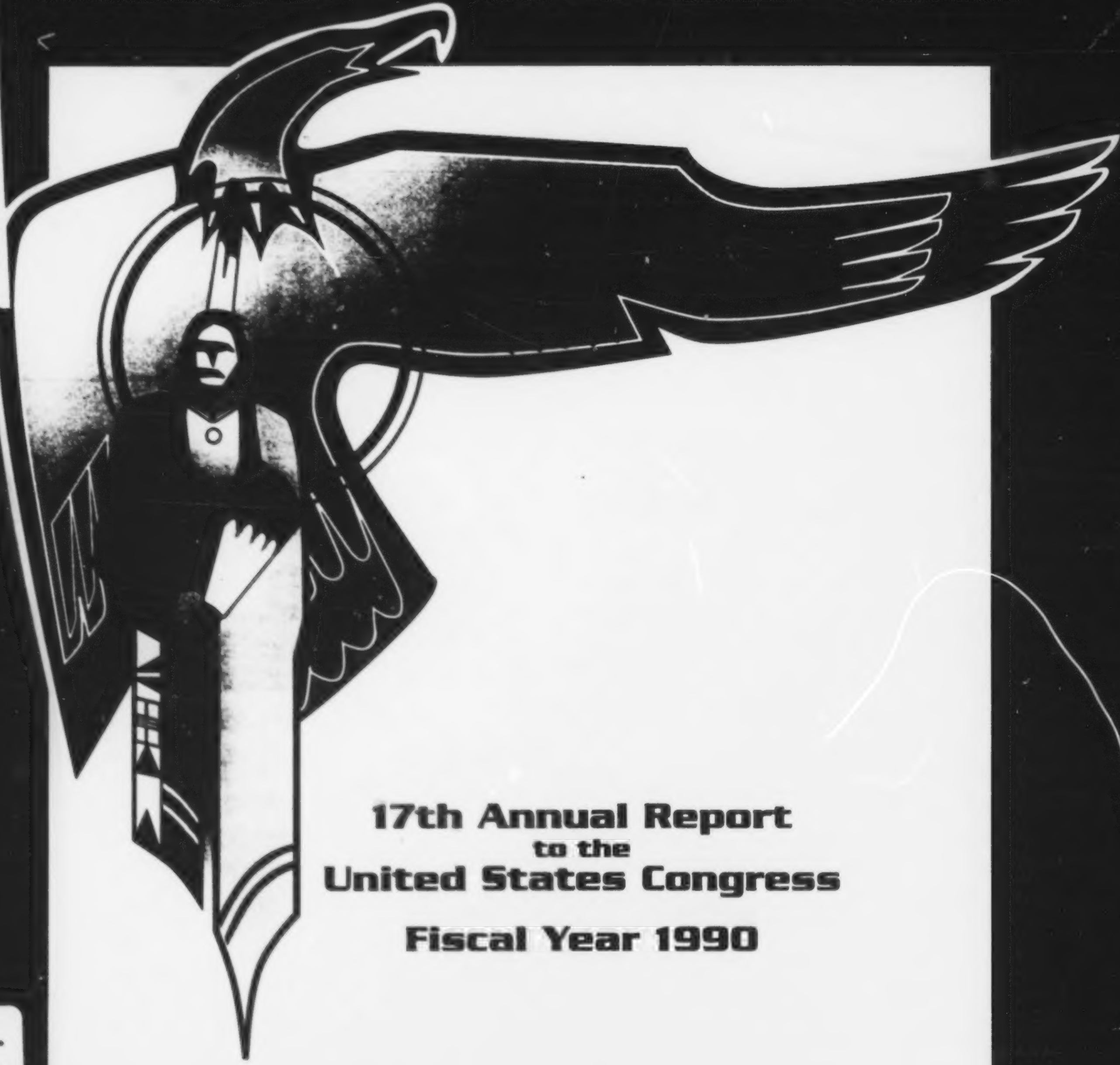
Toward the Year 2000:
Listening to the Voice of Native America



17th Annual Report
to the
United States Congress

Fiscal Year 1990

National Advisory Council on Indian Education

RC 018601

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PRESIDENTIAL APPOINTEES IN FISCAL YEAR 1990

As provided in 5 U.S.C. 1233(b), these members continue to serve until the President appoints their successors.

Chairperson:
Eddie L. Tullis (Creek)
Tribal Chairman
Poarch Band of Creeks
Star Route A, Box 105-A
Atmore, AL 36502
Term expires 9/29/88

Ronald P. Andrade (Luiseno-Diegueno)
U.S. Department of Energy
Office of Minority Economic Impact
1000 Independence Ave. SW., RM 5B110
Washington, DC 20585
Term Expires 9/29/90

Andrea L. Barlow (Shoshone-Bannock)
13656 Laughran Road
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Term Expires 9/29/89

Robert Chiago (Navajo-Pima)
Director, Department of Education
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Indian Community
Rt.1, Box 216
Scottsdale, AZ 85256
Term Expires 9/29/89

Marie Cox (Comanche)
3201 Shaybrook Drive
Midwest City, OK 73110
Term Expires 9/29/89

Gloria A. Duus (Navajo)
U.S. Department of Labor
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Washington, DC 20210
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Joan K. Harte (Menominee)
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100 West Randolph Street, 14-300
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Term expires 9/29/90

James A. Hunt (Lumbee)
Assistant County Supervisor
Farmers Home Administration
400 East 2nd Street
Lumberton, NC 28358
Term expires 9/29/90

Omar J. Lane (Creek)
1410 Sandpiper Circle #7
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Term expires 9/29/89

W.L. "Buck" Martin (Stockbridge-Munsee)
Policy and Intergovernmental Relations
Advisor-Government Office
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Dr. Margaret Nelson, (Cherokee)
508 Seneca
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Dr. Helen Scheirbeck (Lumbee)
NC Indian Cultural Center
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Darius K. St. Paul (Colville)
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Jim Shore (Seminole)
General Council
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Hollywood, FL 33024
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Jo Jo Hunt (Lumbee), Executive Director
John W. Cheek (Creek) Education Program Specialist
Barbara Creel (Jemez) Legislative Policy Analyst
Mary Evelyn Mahsetky (Cherokee/Kickapoo), Staff Assistant

TOWARD THE YEAR 2000: LISTENING TO THE VOICE OF NATIVE AMERICA

NACIE

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

17TH ANNUAL REPORT TO THE
UNITED STATES CONGRESS

FISCAL YEAR 1990

National Advisory Council on Indian Education
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NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

330 C Street, S.W., Room 4072
Washington, D.C. 20202-7556
(202) 732-1353

March 31, 1991

The Honorable J. Danforth Quayle
President of the Senate
Washington, DC 20510

Dear Mr. President:

The National Advisory Council on Indian Education (NACIE) hereby submits its 17th Annual Report for Fiscal Year 1990, "Toward the Year 2000: Listening to the Voice of Native America." This report is required by section 5342 of Public Law 100-297, which authorizes the Council and mandates its functions.

In fiscal year 1990, several initiatives were implemented which will greatly affect the future of Native education. The first was the establishment of the Indian Nations At Risk Task Force by Secretary of Education Lauro F. Cavazos. The Task Force will have a year to study and produce a report on the current state of Native Education in the United States and provide recommendations for future policy change. The NACIE Council worked cooperatively with the Task Force in joint issue sessions to hear concerns from Indian people on various education topics. Other initiatives include the Year 2000 Goals established by President Bush in April, 1990. These goals afford an ambitious attempt to rectify America's educational deficiencies. American Indian and Alaska Native people have traditionally ranked near the bottom in all education and social indicators. With this in mind, additional efforts are going to be needed to ensure that the Year 2000 goals become an educational reality for Native people. The Bureau of Indian Affairs also held field hearings on what Indian communities perceive to be the most pressing issues in Indian education. The findings from these hearings will be used in planning future fiscal year operations within the Bureau of Indian Affairs education programs.

Of major concern to the Council is the White House Conference on Indian Education. During fiscal year 1990 it was unclear if and when this most important event would take place. As it now stands, the President has called for the Conference to be held in January of 1992. The Council will work continuously and cooperatively with the White House Conference Task Force, Advisory Committee and participants to ensure a successful and meaningful event.

This years' annual report reflects the efforts to involve Native people in their own educational futures and is a positive move in the right direction. The problems in Indian education have been well documented by NACIE and others in recent years and the next step is to address those problems. To ensure that Native people achieve the Year 2000 Goals we must concentrate our efforts on those recurring educational problems of today.

Sincerely,

Eddie L Tullis

Eddie L. Tullis
Chairman

A Presidential Council Established by Congress

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

330 C Street, S.W., Room 4072
Washington, D.C. 20202-7556
(202) 732-1353

March 31, 1991

The Honorable Thomas F. Foley
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

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Eddie L. Tullis

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Chairman

A Presidential Council Established by Congress

NACIE 17TH ANNUAL REPORT

TOWARD THE YEAR 2000: LISTENING TO THE VOICE OF NATIVE AMERICA

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INTRODUCTION

The 17th Annual Report of the activities and recommendations of the National Advisory Council on Indian Education (NACIE) is hereby submitted to the Congress. The reporting period is fiscal year 1990, covering October 1, 1989, through September 30, 1990. This report is required by section 5342(b)(7) of Public Law 100-297.

The Council has been in existence since 1973 and held its first meeting in Arlington, Virginia, on May 19, 1973. The Indian Education Act (Title IV, Public Law 92-318), originally enacted in 1972, established the Council to consist of 15 members who are American Indian and Alaska Natives appointed by the President of the United States from lists of nominees furnished from time to time by Indian tribes and organizations and representing diverse geographic areas of the country. A member of the Council is appointed for a term not to exceed three years but serves until the President appoints a successor. At the close of fiscal year 1990, the terms of eleven Members of the National Advisory Council on Indian Education had expired, but pursuant to 5 U.S.C. 1233(b), these Members continue to serve until the President reappoints the Member or appoints his/her successor.

The Council has been reauthorized over the years with the last such action in the Indian Education Act of 1988 (Part C, Title V, Public Law 100-297). The Indian Education Act of 1988 has, subject to section 448(b) of the General Education Provisions Act, authorized the Council to continue to exist until October 1, 1993. That Act delineates the Council's statutory functions and provides authorization for appropriations for the Council. The Council's charge has remained virtually unchanged in these reauthorizations and includes, among other things, the duty to advise the Secretary of Education with respect to the administration of any program in which Indian children and adults participate or from which they can benefit, and the duty to submit to the Congress each year an annual report, including any recommendations necessary for the improvement of federal education programs in which Indian children and adults participate or from which they can benefit.

In January 1989, the current Council unanimously passed a motion recognizing that the mandate to advise and/or recommend on all federal education programs in which Indians participate or from which they can benefit includes all federal education programs, regardless of the department in which the program is located. Consequently, the Council interprets its charge as including programs ranging from early childhood education to higher education to adult and vocational/technical education in any department of the federal government, including programs in which Indian children and adults are currently participating or those from which they can benefit but have not yet done so.

Since 1988, the Council has attempted to compile existing statistical information on the education of Indian and Alaska Natives and identify federal education funds exclusively serving Indian and Alaska Native education needs for inclusion in the annual report to Congress. This compilation includes programs administered by the Bureau of Indian Affairs, the Office of Indian Education and other programs administered by the Department of Education, as well as, additional agencies which may have educational programs benefiting Indian and Alaska Native students. The Council's objective is to be able to access the data, analyzed it and draw conclusions from it to provide the most enlightened advice and comprehensive recommendations for improvement.

This years' annual report has been an attempt at combining the previously mentioned information into a usable format for Congressional people and those individuals working in the field of Indian education. In addition, the report includes an abundance of material gathered from the various field hearings held during fiscal year 1990. Issue sessions from NACIE, the Bureau of Indian Affairs, and the Indian Nations At Risk Task Force have generated a wealth of information concerning the present day problems confronting American Indians and Alaska Natives. The concerns of Native people have been included in this report to allow decision-makers a global perspective on the current Indian education problems in America.

Fiscal year 1990 has the distinction of setting the stage for future change in Indian education. The results of the Indian Nations At Risk Task Force Report and realization of the White House Conference on Indian Education should play a part in elevating the status of Indian education to the point where much needed change can finally work. The National Advisory Council on Indian Education is pleased to present this year's annual report and looks forward to the challenges ahead in making the Year 2000 goals a reality in Indian country.

PART I - PREFACE

National Advisory Council on Indian Education
AUTHORITY AND FUNCTIONS

AUTHORITY

The National Advisory Council on Indian Education is authorized by section 5342 of the Indian Education Act of 1988 (Title V, Part C, P.L. 100-297, as amended by P. L. 100-497; 25 U.S.C. 2642). The Council is governed by the provisions of Part D of the General Education Provisions Act (P.L. 90-247, as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C.A. Appendix 2) which sets forth standards for the formation and use of advisory committees.

PURPOSE AND FUNCTIONS

The Indian Education Act of 1988 charges the Secretary of Education with, among other things, the responsibility for carrying out: (1) a program of financial assistance to local educational agencies to develop and carry out elementary and secondary school programs designed to meet the special educational and culturally related academic needs of Indian children under section 5312 of the Act; (2) a program of financial assistance for the improvement of educational opportunities for Indian children, under section 5321(a) of the Act; (3) a program of financial assistance for programs and projects to train individuals to teach Indian children or administer special programs and projects to meet the special educational needs of Indian people under sections 5321(d) and 5322 of the Act; (4) a fellowship program for Indian students under section 5323 of the Act; (5) a program to establish centers for gifted and talented Indian students at tribally controlled community colleges under section 5324 of the Act; and (6) a program of financial assistance of the improvement of employment and educational opportunities for adult Indians, under section 5330 of the Act.

The Council advises the Secretary and the Congress. More specifically, the Council:

1. advises the Secretary of Education with respect to the administration (including the development of regulations and administrative practices and policies) of any program in which Indian children or adults participate or from which they can benefit, and with respect to adequate funding of such programs and to include advice to the Secretary of Education regarding the meaning of the term "Indian" as set forth in section 5351(4) of the Indian Education Act of 1988;

2. reviews applications for assistance under the Indian Education Act of 1988, and makes recommendations to the Secretary with respect to their approval;

3. evaluates programs and projects carried out under any programs of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminates the results of such evaluations;

4. provides technical assistance to local education agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

5. assists the Secretary in developing criteria and regulations for the administration and evaluation of grants made under the Indian Education Act of 1988;

6. submits to the Secretary a list of nominees for the position of the Director of the Office of Indian Education whenever a vacancy occurs, from which the Secretary makes his appointment in accordance with Section 5341(b)(1) of the Indian Education Act of 1988;

7. submits to the Congress no later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs.

STRUCTURE

The Council consists of 15 members who are Indians and/or Alaska Natives, appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations and represents diverse geographic areas of the country. Terms of membership on the Council shall not exceed three years and, in the case of initial appointments, are staggered.

The Director of the Office of Indian Education serves as the Designated Federal Official to the Council. The Council is authorized to establish such subcommittees as necessary to enable it to carry out its functions. All subcommittees act under the policies governing the Council as a whole.

The Council is authorized to have a staff of four. The Council has been issued a charter by the Department of Education. The Council is also governed by the Federal Advisory Committee Act and its regulations and is precluded from lobbying. However, Council representatives may testify before Committees of Congress upon invitation and may submit recommendations for changes in programs in its annual report.

MEETINGS

The Council meets at the call of the Chairperson, but not less than two times per year. Subcommittees generally meet at the time of each Council meeting, but may meet separately with the concurrence of the Council Chairperson. Meetings are open to the public except as may be determined otherwise in accordance with section 10(d) of the Federal Advisory Committee Act by the Assistant Secretary for Elementary and Secondary Education. Notice of all meetings is given in advance to the public. Meetings are conducted and records of proceedings kept as required by applicable laws and Departmental regulations.

National Advisory Council on Indian Education

COUNCIL COMMITTEES IN FISCAL YEAR 1990

Executive Committee

Chairperson	Eddie L. Tullis
First Vice Chairperson	Ronald P. Andrade
Second Vice Chairperson	Robert K. Chiago
First Member at Large	Omar J. Lane
Second Member at Large	Jim Shore

Legislative, Rules, Regulations, and Programs Committee

Chairperson	Ronald P. Andrade
Member	Gloria A. Duus
Member	Omar J. Lane

Communications Committee

Chairperson	Robert K. Chiago
Member	Darius "Kanie" St. Paul
Member	Helen M. Scheirbeck

Interagency and Tribal Relations Committee

Chairperson	Jim Shore
Member	Marie C. Cox
Member	James A. Hunt
Member	W.L. "Buck" Martin

School Quality Control Committee

Chairperson	Omar J. Lane
Member	Andrea L. Barlow
Member	Joan K. Harte
Member	Margaret F. Nelson

Search Committee

Executive Committee Members

Proposal Review Committee

All Council Members

PART II

COUNCIL ACTIVITIES IN FISCAL YEAR 1990

Legislative Mandate #1
Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including the programs authorized by the Indian Education Act of 1988, and with respect to adequate funding thereof.

Development of Regulations and Administrative Practices and Policies

The National Advisory Council on Indian Education began an effort in December 1988 to work with the Department of Education to execute this express function of the Council. The Council requested a meeting with the Secretary of Education in January of 1989. In February 1989, a formal request was submitted in writing. The Council met with Secretary Cavazos on October 8, 1989 when he presented the keynote speech at the opening assembly of the National Indian Education Association Annual Conference in Anchorage, Alaska. At that time, he requested that the Council provide him with information.

The NACIE Executive Director communicated with the Secretary's Chief of Staff on several occasions regarding the Council's concerns about the Office of Indian Education (OIE) program operations, the OIE Director search, the White House Conference on Indian Education, and the Indian Nations At Risk Task Force Study. The NACIE staff also communicated on a regular basis with the Acting OIE Director regarding personnel, budget, Indian preference issues, and administration of grant and fellowship programs. The perseverance of the Council on these issues was rewarded. During fiscal year 1990, a permanent Director of Indian Education was selected, the Secretary appointed staff to work on the White House Conference on Indian Education, and the number of Native Americans on the staff in the Office of Indian Education increased from 4 to 12.

In addition, NACIE devoted considerable time to working on the amendments to the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, Public Law 101-392. The Executive Director met with Assistant Secretary of Vocational and Adult Education Betsy Brand and her staff regarding Indian/Alaska Native concerns with the regulations to be promulgated under the Act. NACIE provided the names of Council members to attend the regional meetings for the negotiated rulemaking process required to obtain public involvement in the development of proposed regulations under the Act.

During fiscal year 1990, the Council participated in the Discretionary Grant and Fellowship Review process, and submitted extensive recommendations to the

Secretary of Education. In addition, detailed recommendations were submitted to Congress and the Administration in the NACIE Annual Report. Recommendations to the Secretary provided by the Council are described further in separate sections below.

* * * * *

Legislative Mandate #2

Review applications for assistance under the Indian Education Act of 1988 and make recommendations to the Secretary with respect to their approval.

Review of Applications and Recommendations to the Secretary

Section 5342(b)(2) of Public Law 100-297 (the Indian Education Act of 1988) requires the National Advisory Council on Indian Education to review applications for assistance under the Act and to make recommendations to the Secretary of Education with respect to their approval. The Office of Indian Education engages panels of readers to review and score all Indian Education Act discretionary and fellowship applications, after which the scores are standardized and the applications are ranked in order of highest to lowest score. Since the applications are so numerous as to make it impossible for Council members to review all applications submitted, the Council reviews only the applications that the readers have scored high enough to be funded.

Discretionary Grants

The Proposal Review Committee of the National Advisory Council on Indian Education met April 2-4, 1990 to review the grant applications for discretionary awards under the programs authorized by Subparts 1, 2, and 3 of the Indian Education Act. The Committee was delegated authority by the full Council to act on its behalf in the application review process. Each Council member attending the Committee meeting signed a certification attesting to the absence of a conflict of interest.

The Committee reviewed grant applications for (1) Discretionary Grants to Indian-Controlled Schools; (2) Planning, Pilot, and Demonstration Projects; (3) Educational Services Projects; and (4) Educational Services for Indian Adults. The Council reviewed reader comments on individual applications, and supported recommendations to award most projects slated to be funded under initial review. Those applications which did not meet the criteria established in the regulations were noted and recommendations were made not to fund these applications.

Recommendations formulated at the meeting were officially submitted to Secretary of Education, Lauro F. Cavazos on April 27, 1990. The National Advisory Council on Indian Education received no official response on the recommendation's submitted.

General recommendations relating to the discretionary grants process were as follows:

1. Develop a policy on equity in funding and/or provide technical assistance in proposal writing to tribes and organizations to better fulfill the intent of the Indian Education Act to serve all Indian and Alaska Native people.

Rationale: The discretionary grant process is very competitive with no apparent policy on equitable funding. The result is often that the same entities are funded year after year while some tribes and organizations are never funded. Technical assistance in proposal writing provided to tribes and organizations interested in submitting applications for discretionary grants would increase a project's chance for funding. This would result in a better distribution of projects awarded.

The Council believes that the Indian Education Act was meant to serve as many Indian and Alaska Native people as possible and not to become a steady funding source for a few. The Council requests that the Director of the Office of Indian Education, in his discretion, carefully review applications from entities which submit multiple applications in order to more equitably distribute funds to quality programs across the country.

2. Require the applicant to identify qualified key personnel to be employed in the project. Provide more guidelines in the application packages on the standards of measure for adequate equipment, physical plant facilities, and compliance with applicable safety codes.

Rationale: Since personnel is one of the biggest factors contributing to the success of a program, applicants should at least be required to identify the project director. In many applications, only a job description is provided with no indication of whether the applicant would be able to find a qualified individual to fill the position within the salary requirements provided in the budget. In, addition, it is important for applicants to be informed of exactly what is needed in the proposal to show that their facilities are adequate to support the proposed project.

3. Suspend negotiations with potential grantees pending review of applications by the Council.

Rationale: The Council appreciates the assistance of the discretionary grant staff of the Office of Indian Education in providing the necessary materials to accomplish the mandated proposal review. However, the National Advisory Council on Indian Education is concerned that prior to Council review, negotiations had apparently already begun with grantees. The current legislation requires the Council to review applications and submit recommendations. Council members want to perform this mandate in a manner that is meaningful and beneficial to the process. This problem could be remedied by involving the Council at an earlier time in the application review process.

PART II - COUNCIL ACTIVITIES IN FISCAL YEAR 1990

Indian Fellowship Program

The Proposal Review Committee of the National Advisory Council on Indian Education reviewed applications for financial assistance submitted to the Indian Fellowship Program authorized by subpart 2 of the Indian Education Act on April 23-24, 1990. The Committee was delegated authority by the full Council to act on its behalf in the application review process. Each member attending the Committee meeting signed a certification attesting to the absence of a conflict of interest.

There were 427 new fellowship applications received, and the Office of Indian Education staff advised that it expected to award only five fellowships in each of the eight fields of study from the available funds. Because of this funding reality, the Council requested for review the top eight applications in each field of study in case a question would arise concerning the eligibility of an applicant in the range to be funded.

The Council members agonized over the recommendations in an attempt to be fair to applicants and to follow the letter and spirit of the law and regulations. Recommendations formulated at the meeting were officially submitted to then Secretary of Education, Lauro F. Cavazos on May 31, 1990. The Department of Education did not officially respond to the Council's recommendations for this review.

General recommendations relating to the Indian Fellowship Program were as follows:

1. Provide one updated version of the regulations governing the Indian Fellowship Program in the application package.

Rationale: After reviewing the application packet and numerous applications, Council members expressed concern that inconsistent information was being presented to applicants through the several sets of regulations included in the application packet. In this case, three sets of regulations were included, requiring applicants to read the different sets of regulations side by side to understand the current requirements. The Council recommends that the application packets for fellowship and for discretionary grants contain one updated version of the applicable regulations to avoid confusion.

2. Clarify the priority fields and the related fields of study eligible under the Fellowship program.

Rationale: The Indian Fellowship Program provides fellowships enabling Indian students to pursue undergraduate or postbaccalaureate degrees in business administration, engineering, natural resources, and related fields, and postbaccalaureate degrees in medicine, clinical psychology, law, education, psychology, and related fields. The eligibility of applications for fellowships in related fields of study are considered on a case-by-case basis.

The regulations promulgated in 1983 gave some idea of the related fields for medicine, education, business administration, engineering, and natural resources. This is an important guidance to applicants. For example, there are situations in which students do not have the intent to go into any natural resources career, but are studying biology at the undergraduate level with the intent to go to medical school. In this case, it would appear that biology is not an allowable field of study, since fellowships in medicine are not available at the undergraduate level under this program. The Council recommends that there be fostered a cooperative effort among the different federal scholarship sources, particularly sources for Indian student financial assistance. The eligible fields of study and priority fields under the Indian Fellowship Program should remain limited, but an effort should be established to direct students to other programs which will fund their fields of study.

3. Require the Office of Indian Education to verify the eligibility of the applicant.

Rationale: Verification of whether the applicant is eligible under the Indian Fellowship Program should be completed before the application is sent to the readers, as this is a threshold requirement for an award. If such a determination of Indian eligibility cannot be made prior to sending the applications to the readers, then such applications should be flagged prior to NACIE proposal review and a list of eligible tribes, bands, and groups should be provided to the Proposal Review Committee.

The definition of "Indian" in the Indian Education Act has been interpreted to include only those individuals who are: considered by the Secretary of Interior to be an Indian for any purpose; Eskimo, Aleut or other Alaska Native or; a member or descendant in the first or second degree, of a tribe, band, or other organized group that is either federally recognized, terminated, or state recognized. If this is the correct interpretation of the definition, a current list of such entities recognized by the states in which they are located must be maintained. A determination whether the tribe is recognized by the state in which it is located must be made in order to determine whether students from that tribe are eligible applicants.

4. Require the Office of Indian Education to make a threshold determination of whether schools are accredited institutions or provide readers and Proposal Review Committee with a list of accredited institutions.

Rationale: The Council members were concerned whether certain schools met the definition of "institution of higher education" as provided in section 250.4 of Title 34 of the Code of Federal Regulations. It appeared that this determination had not been made with respect to any college or university to which any fellowship applicant had applied for admission or been admitted. Although accreditation was usually taken as a given in most cases, the Council members were unsure regarding some less familiar institutions.

5. Award a percentage of applications in each designated field of study with no less than one award per field.

Rationale: The Council requested from the Office of Indian Education the ranked list in each field of study for the top eight applications. It was clear from the list provided that a total of only six applications were received in the field of clinical psychology. However, a determination had been made to fund five applications in each field of study. This does not reflect the best use of federal education dollars if awards are based on the fact that a small number applied in a particular field and not on overall merit. A more equitable method would be to award the top-ranked 9 to 10 percent of the applications received in a field of study. The Council is pleased that this particular recommendation will be implemented in the 1991 review process.

6. Decrease the points for official academic record to 70 points and increase the points for commitment including demonstrated commitment to the Indian community to 20 points.

Rationale: Applications are evaluated on the basis of the student's official academic record (80 points), leadership (10 points), and commitment (10 points). Although the Council recommended two years ago that points for official academic record be increased from 70 to 80 points, after working with the program for two years under the new regulations, the Council is convinced that this criterion will unnecessarily preclude awards to worthy students who have the leadership and demonstrated commitment. The Council is very cognizant of the need for fellowship awardees to show the potential for success in the academic program, but 70 points in this criterion will suffice. It is sometimes the case that applicants with demonstrated commitment and ties to the Indian community may not compete as well under the official academic record criteria, but will benefit the Indian community if they return to serve Indian people.

In evaluating the applicant's academic record, the Council recommends that the regulations be specifically followed. If an official transcript remains an express requirement in the regulations, then this requirement must be met by all applicants. Additionally, readers should be specifically instructed and, if necessary, the regulations amended to provide that the most recent academic record be given the most weight. If official transcripts illustrate improvement in academic record, such improvement should factored into the score. If the student is already into a graduate program and has already shown success in such program, then there should be less weight on standardized test scores.

7. Amend the authorizing legislation to require a service payback of awardees under the Indian Fellowship Program similar to the service requirements under the Indian Health Service Scholarship Program.

Rationale: The Council recommends that a required service payback of awardees under this program be implemented. This would allow the student to demonstrate commitment to the chosen field of study and the Indian community. The Indian community would benefit through the leadership and services provided by the fellows. If the intent of the fellowship program is to provide a cadre of professionals in various fields from Indian communities and for service to Indians, then a service payback requirement would not be inconsistent.

8. Involve the National Advisory Council on Indian Education in the proposal review process at an earlier stage than is currently practiced.

Rationale: Involving the Council at an earlier stage in the review process more accurately reflects the legislatively prescribed role of the Council, and would benefit the entire process. Considering the Council's expertise in the area of Indian education, and the Office of Indian Education's need for field readers, the Council recommends that members of the Council serve as panel moderators for the field reading process. Additionally, any negotiations with potential grantees must be postponed pending review of applications by the Council and submission of the Council's final recommendations.

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Legislative Mandate #3
Evaluate programs and projects carried out under any program in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluation.

Evaluation of Programs and Projects

Issues Session in Anchorage, Alaska

The National Advisory Council on Indian Education (NACIE) met on October 7-11 1989, in Anchorage, Alaska, in conjunction with the Twenty-first Annual Conference of the National Indian Education Association (NIEA). The Council held five two-hour issues sessions with Indian and Alaska Native educators, who provided special insight into the issues, problems, and successes in the education of native people. Briefing papers were prepared for use by the Council members which offered a summary of concerns in Indian Education. Issues addressed were Public School Elementary and Secondary Education; Bureau of Indian Affairs and Tribal Schools; Tribal Colleges; Adult Education and Vocational-Technical Education; and Higher Education and Scholarships.

In addition, Council members visited six schools in Alaska during and after the Conference. The Council greatly appreciates the participation of so many fine Indian education advocates at the sessions and the opportunity to visit schools and talk with students.

SUMMARY OF ISSUES & CONCERNS IN INDIAN EDUCATION

Listed below are some of the concerns and recommendations made by Indian and Alaska Native educators at the issues sessions held by the Council at the October 1989 meeting in Anchorage, Alaska.

PART II - COUNCIL ACTIVITIES IN FISCAL YEAR 1990

Public School Elementary and Secondary Education

- Indian concern regarding misuse and misdirection of the Indian Education Act (IEA) program by local school districts, such as: (1) assumption by some school districts that IEA programs should meet all guidance and counseling needs of Indian students; and (2) the use of IEA home school coordinators simply as truant officers by some school districts.
- Need for the Johnson-O'Malley Program to be forward funded.
- Need for an appeals process within the IEA discretionary grant program.
- Need for more than two readers per panel to review IEA discretionary grants.
- Need for mandated in-service training for teachers in schools receiving IEA funding
- Concern by school districts in the lack of continuity in IEA Indian parent committee membership from one year to the next.
- Need for technical assistance under Impact Aid Program to advise tribes and parents of Indian students of the rights and responsibilities as prescribed by law and the regulations.
- Indian concern regarding the ability of school districts to circumvent the Impact Aid policies and procedures by addressing only the IEA staff and parent committee, and not involving parents and students in decisions affecting their education.
- Need for full funding of the Impact Aid Program.
- Need for a 123 percent funding level for construction under the Impact Aid Program under Public Law 815 as implemented under the operations program under Public Law 874.
- Need for an emergency construction provision in Public Law 815 to allow for certain necessary construction without having to wait for the June application date and endure subsequent delay (approximately four-years) in receiving construction funds.

Bureau of Indian Affairs and Tribal Schools

- Concern that tribal and BIA schools are not included in the definition of "local educational agency" (LEA), and thus excluded from many federal education programs for which only an LEA is eligible.
- Need for a waiver of income eligibility for Head Start and other pre-school programs in remote areas where such programs are the only pre-school programs available.

- Need for stability in the position of Director of the Office of Indian Education Programs in the BIA and Department of Education.
- Need for a task force or liaison to work with BIA and the Department of Education on problems which may develop with eligibility of BIA and tribal schools for Department of Education programs, and coordinate Indian education efforts.
- Need to continue operation of certain boarding school programs for Indian students, with more staff and funding for drug and alcohol treatment programs and solo parenting facilities.
- Need for teacher salary increases.

Tribal Colleges

- Need for stable funding sources for tribal colleges.
- Need for removing obstructions which currently link research programs and other general grant programs only to four-year institutions, and unnecessarily exclude tribal colleges.
- Futility of counting on funding from the OIE discretionary grant program.
- Need for a construction fund for construction of new and repair of existing facilities.
- Need for teacher training programs to be established and funded.
- Need for operational and construction funds for college libraries.
- Concerns regarding the lack of resources available to meet the research needs of Indian reservation communities, particularly regarding the correlation between educational and tribal development.
- Need for White House Initiative on Tribal Colleges similar to initiative on historically black colleges established under the Reagan Administration.
- Need for financial aid sources for tribal college students, including increased BIA higher education funding.

Adult Education and Vocational-Technical Education

- Need for two percent set-aside for Indian and Alaska Native programs in Adult Education Act.
- Need for national assessment conducted of Indian and Alaska Native adult and vocational education needs.

- Need for information collected in the decennial census to reflect the number of Indian high school graduates or GED equivalents.
- Concern about need for formula funding in BIA and OIE programs.
- Need for a national technical assistance center for Indian and Alaska Native adult education.
- Need for additional funds appropriated for adult eduction programs under the Indian Education Act--estimated at a total of $10.5 million.
- Need to impact budget process for Indian vocational education funding to increase funding under the Carl Perkins Act and require BIA to meet the matching funds requirement of the Act.
- Need for final adult education regulations published by BIA.
- Need for a permanent BIA officer for adult education.
- Concern regarding the definition of "LEA" in education legislation to include tribes and tribal schools, taking care neither to put tribes at odds with sovereignty issues nor to make them accountable to states.

Higher Education and Scholarships

- Need to simplify the financial aid forms and process.
- Need for access to information regarding financial aid and funding sources to increase access to higher education for Indian students.
- Clarification from Department of Education on eligibility for OIE fellowships, including eligibility of an American citizen who is a member of a Canadian tribe.
- Need for uniform guidelines for prompt university dispensation of Indian fellowship funds to students after tuition and other school costs are paid.
- Need for assessment of higher education funding needs of Indian and Alaska Native students.
- Need for forward funding of BIA scholarship program.
- Need for increased recruitment efforts of Indian and Alaska Native students by universities and increased retention rates.
- Need for assessment of part-time student needs.
- Need for changes in regulations to accommodate education through a teleconference system in Alaska Native villages.

- Need for coordinated effort for support of students with scholarships in specific subject areas and support services for students.
- Need for career development program beginning in Head Start and kindergarten for students.
- Need for an assessment of the professional development needs of tribes and Alaska Native villages to ensure that eligible fields of study for scholarships and fellowships reflect the labor force needs of Indian communities and urban areas.
- Recommendation that states be encouraged to waive tuition for Indian and Alaska Native students at state colleges and universities.

Testimony before the United States Congress

Senate Select Committee on Indian Affairs

Subject: Office of Indian Education

On October 27, 1989 the National Advisory Council on Indian Education testified before the Select Committee on Indian Affairs of the United States Senate at an oversight hearing on the programs and operations of the Office of Indian Education (OIE) and other programs within the Department of Education which benefit Indians and Alaska Natives. The NACIE issues sessions held earlier in October in Anchorage, Alaska were particularly timely in that the Council was able to share some of the concerns of Indian and Alaska Native people regarding Indian education, as well as NACIE's observations on the operations of the Office of Indian Education.

Subject: Indian Vocational Education

During the last month of fiscal year 1989, the Council was invited to testify on amendments to the Carl D. Perkins Vocational Education Act to establish a program of grants for vocational-technical training and to encourage tribal economic development, and to provide for the designation of the National Indian Center for research in vocational-technical training. On September 15, 1989, the Executive Director of the Council, Ms. Jo Jo Hunt, appeared before the Select Committee and submitted a prepared statement on behalf of the Council.

In the statement, the Council advocated grants to support vocational-technical training as a method of encouraging tribal economic development. The need for coordination between the training provided and the tribal economic development efforts or the labor force needs of surrounding communities was emphasized. The Council's testimony supported the work of tribally controlled community colleges as crucial to tribal economic development plans.

PART II - COUNCIL ACTIVITIES IN FISCAL YEAR 1990

Participation in White House Council on Indian Education

Over the course of the year, the Council has devoted considerable time and energy to initiating the White House Conference on Indian Education. Congress appropriated $500,000 in fiscal year 1990 for the White House Conference on Indian Education, which was subsequently reduced to $493,000 by the 1.4 percent sequestration. With this appropriation, the Council realized the first step in establishing a national forum to review Native American and Alaska Native educational concerns.

In March 1990, the Council drafted a letter to President Bush regarding calling the Conference, and a positive response was received from the President's staff. In addition, the Executive Director met with Secretary Lujan and staff, and White House, Senate staff, and Department of Education representatives, to discuss efforts to move the Conference forward.

The purpose of the White House Conference on Indian Education as provided in section 5502(b) of Public Law 100-297 is to: (1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing federal programs relating to the education of Indians; and (2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians. The President of the United States, the Speaker of the House of Representatives, and the President pro tempore of the Senate are required to appoint 20 Advisory Committee members after consultation with Indian tribes.

The Council was instrumental in amending the White House Conference on Indian Education legislation to include the NACIE participation. Congress passed and the President signed Public Law 101-301, which, among other things, amended the legislation to include the NACIE Executive Director as a part-time member of the Interagency Task Force. The legislation, as amended provides for 24 Advisory Committee members, including the Secretary of the Interior and the Secretary of Education or their respective designates, the Director of the Interagency Task Force, and the Chairman of the National Advisory Council on Indian Education. The Interagency Task Force is to plan and conduct the White House Conference in coordination with the Advisory Committee.

In mid July, Dr. Ed Sontag was appointed by Interior Secretary Lujan and Education Secretary Cavazos as the Interim Director of the Interagency Task Force for the White House Conference on Indian Education. Secretary Lujan also appointed Dr. Jim Martin to serve on the Task Force. Secretary Cavazos later named Dr. John Derby and Mr. Oliver Abrams as his full-time professional appointments to the Interagency Task Force and Dr. John T. MacDonald and Dr. John W. Tippeconnic III to serve as their schedules permit.

As a Task Force member, the Executive Director attended the organizational meetings on the White House Conference and prepared an information package describing the authorizing legislation and the objectives of the Conference. The informational package contained a copy of the November 2, 1990, Federal Register notice calling for nominations for the 10 members of the Advisory Committee to be appointed by the President, and included a list of suggested topics to be addressed by the White Conference, giving Indian and Alaskan Native people the opportunity to be initially involved in determining the direction and scope of the Conference.

The informational package was mailed to addressees on the NACIE and other mailing lists. The Council has attempted to keep the Indian Education community up to date on the events of the White House Conference through reports in the NACIE Newsletter, and has urged active involvement to make the Conference as comprehensive as possible.

Participation in Indian Nations At Risk Task Force

The National Advisory Council on Indian Education has been pleased with the opportunity to cooperate with the Indian Nations at Risk (INAR) Task Force, the entity established by then Secretary of Education Cavazos as announced at the 1989 National Indian Education Association (NIEA) Conference in Anchorage, Alaska. The NACIE Chairman serves on the Task Force as an Advisory Council member.

The Executive Director established a working relationship with the Task force by meeting with the INAR Director and staff, and providing the Task Force with the NACIE Sixteenth Annual Report to Congress, two Indian education studies, the list of NACIE Council members and any other Indian education resources as needed. A joint issues session on postsecondary education was planned between NACIE and INAR to be held at the Twenty-second Annual NIEA Conference in October of 1990.

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Legislative Mandate #4

Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children.

Technical Assistance

National Advisory Council on Indian Education Newsletter

The Council has sought to improve Indian education through increased access to information. The Council disseminated information to Indian and Alaska Native individuals, tribes, villages, schools, community colleges, public and private schools, universities and other organizations serving Indian students through the NACIE Newsletter. During fiscal year 1990, NACIE published three issues of the NACIE Newsletter plus one addendum to newsletter to update current Indian education announcements. All issues are available to the public free of cost.

The newsletters contain information on NACIE activities, Congressional actions, reports and studies, Federal Register notices, activities of the Department of

Education, conference announcements, job vacancies, and other Indian education news. The NACIE mailing list contains over 4000 addresses, including but not limited to all federally recognized tribes and Alaska Native villages, some non-federally recognized groups, Indian and Alaska Native organizations, tribal colleges, and OIE grantees.

The National Advisory Council on Indian Education Scholarship Field Guide

The Council has assisted Indian educational agencies, institutions, organizations, and individuals by providing information on the opportunities in higher education. The NACIE Scholarship Field Guide, compiled and distributed by the NACIE Staff, is a comprehensive guide featuring fellowship and scholarship programs available to American Indian/Alaska Natives and minorities. An overview of each program and application procedures are provided. Additional information in the guide includes selected state initiatives to promote minority recruitment/retention and selected postsecondary schools which offer programs specific to American Indian/Alaska Native students.

The guide is not meant to be an exhaustive listing of educational opportunities, but is designed to identify sources of financial aid and direct the student and family to other available resources. The current edition of the Scholarship Field Guide is widely requested, and the Staff is consistently gathering information to update the listings. The expanded second edition of the Guide will be available for distribution in fiscal year 1991.

Dissemination of Information, Workshops, Discussions

In addition to the NACIE Newsletter and the Scholarship Field Guide, the Council disseminated information through other mailings, the annual report, telephone contacts, and meetings. The Council also provided support services to tribes, organizations and individuals by disseminating information on programs and opportunities within other agencies of the federal government. The NACIE staff provided information and application packages for the Department of Energy Native American Scholarship Program, the Indian Health Service Scholarship, the Department of Education Indian Fellowship Program, and Bureau of Indian Affairs schools' teacher information.

During issues sessions held at the January and October 1989 meetings of the National Advisory Council on Indian Education, participants identified the need for technical assistance in preparing discretionary grant proposals to be submitted under the Indian Education Act. In order to follow up on this issue, the NACIE Executive Director met with the Resource and Evaluation Center Directors on March 1, 1990. While the Resource and Evaluation Centers cannot write discretionary proposals for Indian tribes or organizations, they can conduct workshops to assist potential grantees in developing general proposal writing techniques. NACIE staff published the name of the director, address, telephone number, and geographic area covered for each of the five Resource and Evaluation Centers for use by potential grantees in requesting program development workshops. The Council requests feedback from those participating in or seeking program development workshops, and continually works to address technical assistance needs.

The Council Members and staff attended and participated in several conferences and other meetings to share information. Specifically, NACIE Council members and Executive Director or staff participated in the following activities:

- Spoke to students at schools in **Anchorage, Chefornak, and Bethel, Alaska,** October 11-13, 1989;
- Met with **Pennsylvania State University** Indian students on February 27, 1990;
- Spoke to the **National Congress of American Indians (NCAI) Education Committee** at NCAI Executive Council Meeting on February 28, 1990;
- Participated in a discussion with the **United South and Eastern Tribes Education Committee** on March 7, 1990;
- Delivered the keynote speech to the **Michigan Education Association** on March 10, 1990;
- Met with the **Taiwan Aboriginal Delegation** on April 21, 1990;
- Spoke during the **Second Leadership Conference of Female Principal Chiefs** on April 21, 1990;
- Met with the **Australian Aboriginal Delegation** on May 14, 1990;
- Held a meeting with the **Indian Nations At Risk Task Force** on May 14, 1990;
- Participated in the **Office of Indian Education/State Educational Agencies Indian Education Conference** on June 26, 1990;
- Attended the **Governors' Interstate Indian Council** on August 2, 1990.

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Legislative Mandate #5
Assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1 of the Indian Education Act of 1988.

Development of Criteria and Regulations for the Administration and Evaluation of Grants

Subpart 1 authorizes the Office of Indian Education to provide financial assistance to local educational agencies (LEAs) and Indian-controlled schools to develop and carry out elementary and secondary school programs designed to meet the special educational and culturally related academic needs of Indian students. Bureau of Indian Affairs schools are eligible to apply as local educational agencies.

The Office of Indian Education is authorized to fund applications that include proposals for planning and development of programs, establishment, maintenance and operation of programs including minor remodeling of classroom or other equipment, and for the training of counselors at schools eligible to receive funds under this subpart in counseling techniques relevant to the treatment of alcohol and substance abuse. Applicants may also apply for assistance to carry out pilot projects designed to test the effectiveness of their projects.

The Council participated in the proposal review process as outlined above, drafted recommendations, and submitted them to the Secretary of Education in a letter dated May 1, 1990. Furthermore, recommendations were submitted to the Congress and the Secretary of Education in the NACIE Sixteenth Annual Report.

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Legislative Mandate #6
Submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education (whenever a vacancy occurs).

List of Nominees for the Director of the Office of Indian Education Vacancy

The Indian Education Act requires the Secretary of Education to choose the Director of the Office of Indian Education from a list of nominees submitted by NACIE. The Council has consistently advocated prompt action to fill the vacancy in accordance with Department regulations and Indian Preference.

In April/May 1989, the Council underwent the process of interviewing and selecting candidates from the applicants determined to be Senior Executive Service eligible and submitted a rank ordered list of nominees to the Secretary of Education on May 24, 1989. However, then Secretary Cavazos decided not to select the OIE Director from the list submitted to him by the Council. Therefore, the vacancy announcement for the position was reposted during fiscal year 1990, and at the direction of the Secretary, the Council subsequently participated in a repeat of the selection process.

At the close of the application deadline, January 12, 1990, the personnel office screened the applications received and determined those that were at least minimally qualified. Consequently, a three-member Executive Resources Board (ERB) rating panel convened to review and score these applications. The rating panel included one member of the National Advisory Council on Indian Education. After the ERB panel completed its review, a personnel management specialist combined the ratings of each panel member to determine the final rating for each applicant.

On February 23, 1990, the Council met in closed session to interview the applicants who had scored best qualified under the final rating system, and prepared the list of nominees for the Secretary of Education. The list of nominees was transmitted to the Secretary on February 26, 1990. Dr. John W. Tippeconnic III, the Council's first nominee was selected as permanent Director of the Office of Indian Education.

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Legislative Mandate #7
Submit to the Congress a report on activities, including any recommendations necessary for the improvement of federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs.

Report on the Council's Activities

National Advisory Council on Indian Education Sixteenth Annual Report to the United States Congress, Educating the American Indian/Alaska Native Family

The Council completed the NACIE 16th Annual Report to the United States Congress, and submitted the report to The Honorable J. Danforth Quayle, President of the Senate and The Honorable Thomas F. Foley, Speaker of the House of Representatives. The 193 page report entitled, Educating the American Indian/Alaska Native Family, describes NACIE activities for fiscal year 1989, and provides detailed recommendations to the Congress and Department of Education, necessary for the improvement of federal Indian education programs.

In addition, Part III of the report, "Update of Indian Education Statistics," contains a compilation of extensive statistical and budgetary information not readily available elsewhere. The Council has been very concerned about the lack of statistical and other data on the education of Indian and Alaska Native children and adults provided by the National Center for Education Statistics (NCES) and other federal sources. The Council has maintained a concerted effort to redress the situation by collecting information from all identified sources to allow Congress, the Administration, Indian and Alaska Native people, and other interested parties to assess the needs, observe the successes, and plan for the future of Indian and Alaska Native education.

The title section, Part IV, was written from the perspective of the education of everyone in Indian and Alaska Native families and communities. The text reflects the need to focus on the varied and diverse educational needs of Indian and Alaska Native communities, including access to basic preschool education, quality elementary and secondary education, vocational-technical education, and higher education.

OFFICE OF INDIAN EDUCATION FORMULA GRANT PROGRAM

Financial Assistance to Local Educational Agencies for the Education of Indian Children - Subpart 1

The Office of Indian Education provides financial assistance to local educational agencies (LEAs) and Indian-controlled schools to develop and carry out elementary and secondary school programs designed to meet the special educational and culturally related academic needs of Indian students. For purposes of the formula grant program, eligible applicants include Public Schools and Indian Controlled schools that were grantees under this program in fiscal year 1988. Schools operated directly by the BIA became eligible for funding in fiscal year 1989. Indian-controlled schools are operated by Indian tribes or organizations for Indian children and are located on or near reservations.

The Office of Indian Education is authorized to fund applications that include proposals for planning and development of programs, establishment, maintenance and operation of programs including minor remodeling of classroom or other equipment, and for the training of counselors at schools eligible to receive funds under this subpart in counseling techniques relevant to the treatment of alcohol and substance abuse. Applicants may also apply for assistance to carry out pilot projects designed to test the effectiveness of their projects. These programs are authorized under Subpart 1 of the Indian Education Act of 1988.

In fiscal year 1990 (school year 89-90) one thousand and fifty three (1,153) LEAs in 42 states received formula grants. These LEAs reported an eligible Indian student enrollment of over 354,000. Grant amounts ranged from $913 to $1,236,874 during that school year.

According to a 1983 impact evaluation of the Subpart 1 program, nearly two-thirds (64 percent) of the school districts receiving grants were in rural settings--35 percent on or near reservations and 29 percent in other rural areas. The median Indian percentage of total district enrollment was 8 percent. One-fourth of the Subpart 1 projects enrolled fewer than 100 Indian students; 41 percent enrolled more than 220 students. Of the Indian students in districts receiving Subpart 1 funds, an estimated 78 percent participated in project activities, with a median of 119 students per project. More than two-thirds of the students were from families with incomes low enough to qualify for free or reduced-price lunches.

Eligible Applicants: Local educational agencies; certain schools operated by Indian tribes; and Indian organizations that are established by tribal or inter-tribal charter or, if located on an Indian reservation, are operated with the sanction or by charter of the governing body of that reservation. Tribal schools and schools operated by the Bureau of Indian Affairs (BIA) are considered LEAs for the purpose of this program. BIA schools have been allowed to receive formula funds since fiscal year 1989 and were so authorized by the 1988 Hawkins/Stafford Elementary and Secondary School Improvement Act, P.L. 100-297. Therefore, when the terms "school district" and "LEA" are used in the application for formula grant awards, they are read to include tribal schools and BIA schools.

Grant Awards: The Amount of the grant award is based, in part, on the number of Indian children enrolled in the applicant's schools on the count date or during the count period and for whom the LEA has on file an ED 506 form. Before including a student in the count of Indian children to generate funds, the applicant must determine that the ED 506 Form includes, at a minimum: (1) the student's name; (2) the name of the eligible Indian tribe, band, or group of which the student, the parent, or the grandparent is a member, as defined by the tribe, band or group; and (3) the parent's signature and date.

Public Hearings: All applicants, including BIA and tribal schools, must annually hold one or more public hearings prior to the preparation of applications (new and continuation). The public hearing should provide parents of Indian children, teachers, and where applicable, secondary students an opportunity to understand the project and to offer their recommendations. If application is being made for a continuation award, the grantee must provide an opportunity for a discussion of all aspects of the project at the public hearing (s).

Parent Committees: Applicants, other than tribal schools or BIA schools, must establish and publicize procedures for selecting a parent committee prior to developing an application. Those persons eligible to serve on the parent committee are: (1) parents of Indian children who will participate in the proposed project; (2) teachers, including guidance counselors, except members of the project staff; and (3) Indian secondary school students, if any, enrolled in the LEA schools.

Subpart 1 Services: According to the previously mentioned impact study the services most frequently offered by Subpart 1 projects were tutoring and other academic activities (80 percent), Indian history and cultural instruction or activities (64 percent), counseling (48 percent), and home-school liaison (38 percent). According to annual audits conducted by the Office of Indian Education, the majority of the Subpart 1 Indian projects audited were meeting all or most of the perceived needs for supplementary education-related services for participating students.

The Office of Indian Education annual report for fiscal year 1987 stated that 71 percent of the formula grant projects sampled offered tutorial services as a means to meet the basic academic needs of their students. More than half of the projects sampled (59%) offered instruction in cultural subjects such as tribal language, government, history, arts and crafts, and sponsored special cultural events or both to meet the cultural needs of their students. Counseling services, including career guidance counseling, were provided by a little more than a third of LEAs (35%), and slightly less than a third (32%) provided home-school liaison services. A small number (32%) of the projects had other types of activities for their students which included predominantly computer instruction, drug and alcohol prevention activities, gifted and talented programs, and summer parent-child development activities.

Table 1 shows the distribution of students counted by each state for the last five fiscal years (1986-1990) under the Indian Education Act, Subpart 1 formula program. The Catalog of Federal Domestic Assistance (CFDA) number is provided for authorized programs under the Indian Education Act. The CFDA number for formula grants to local educational agencies authorized under subpart 1 is 84.060A.

INDIAN EDUCATION ACT, SUBPART 1 FORMULA GRANT PROGRAM
LEA Student Count by State
Fiscal Years 1986-90

Table 1

STATE	FY 86	FY 87	FY 88	FY 89	FY 90	% CHANGE FY 86-90
Alabama	7,297	8,881	10,005	10,599	11,173	53.1%
Alaska	21,041	21,090	21,051	21,779	22,254	5.8%
Arizona	36,279	37,551	38,817	39,627	40,663	12.1%
Arkansas	725	342	752	777	706	-2.6%
California	26,934	27,105	28,191	28,059	29,026	7.8%
Colorado	1,436	1,333	1,853	2,018	2,205	53.6%
Connecticut	123	121	109	110	119	-3.3%
Delaware	0	0	0	0	0	0
Florida	659	572	704	696	709	7.6%
Georgia	0	0	0	0	0	0
Hawaii	83	0	0	0	0	-100%
Idaho	1,985	1,882	1,907	1,910	1,987	0.1%
Illinois	906	742	806	800	756	-16.6%
Indiana	106	97	98	105	106	0
Iowa	791	822	807	776	848	7.2%
Kansas	1,363	1,311	1,417	1,441	1,459	7.0%
Kentucky	0	0	0	0	0	0
Louisiana	2,905	2,951	3,124	3,380	3,659	26%
Maine	381	419	421	426	441	15.7%
Maryland	919	904	864	850	858	-6.6%
Massachusetts	573	574	579	599	599	4.5%
Michigan	12,674	12,093	12,329	12,362	13,045	3.0%
Minnesota	11,700	12,016	12,048	11,396	11,751	.4%
Mississippi	95	93	104	105	107	12.6%
Missouri	26	16	18	20	12	-53.8%
Montana	10,914	10,896	11,127	10,814	11,402	4.5%

STATE	FY 86	FY 87	FY 88	FY 89	FY 90	% CHANGE FY 86-90
Nebraska	1,966	1,982	1,954	1,938	2,065	5.0%
Nevada	3,030	2,965	3,082	3,280	3,195	5.4%
New Hampshire	0	0	0	0	0	0
New Jersey	340	345	345	327	343	.9%
New Mexico	27,428	28,012	28,225	28,873	29,110	6.1%
New York	4,589	4,498	4,528	4,418	4,579	-0.2%
N. Carolina	16,687	16,461	16,391	17,095	17,049	2.2%
North Dakota	5,764	5,639	6,117	6,291	6,419	11.4%
Ohio	285	285	322	295	326	14.4%
Oklahoma	70,216	69,982	67,336	67,022	67,316	-4.1%
Oregon	5,280	5,263	5,423	5,506	5,673	7.4%
Pennsylvania	0	0	0	0	0	0
Rhode Island	212	212	207	195	202	-4.7%
S. Carolina	0	0	0	0	0	0
South Dakota	12,528	10,922	10,640	10,753	10,745	-14.2%
Tennessee	0	0	33	28	34	3400%
Texas	544	594	674	790	834	53.3%
Utah	5,326	5,424	5,064	4,918	5,121	-3.8%
Vermont	440	499	519	514	506	15%
Virginia	136	129	110	110	103	-24.3%
Washington	16,494	16,315	16,524	16,408	16,510	0.1%
W. Virginia	0	0	0	0	0	0
Wisconsin	7,132	7,355	7,247	7,544	7,588	6.4%
Wyoming	1,681	1,712	1,806	1,856	1,891	12.5%
TOTAL	**319,998**	**320,405**	**324,176**	**348,333**	**333,494**	**4.2%**

Source: Office of Indian Education

In fiscal year 1990 there were 81 Bureau of Indian Affairs schools participating in the Subpart 1 formula program. This represents 45 percent of the 180 Bureau-operated schools receiving assistance under this authority and 21,467 (54 percent) of the 39,791 student count at BIA.

The following charts show the student count by state for the last five fiscal years, as well as, the number of LEAs for each state. An additional chart shows the student and LEA count in Bureau of Indian Affairs schools.

INDIAN EDUCATION ACT, SUBPART 1 FORMULA GRANT PROGRAM
LEAs By State, Fiscal Years 1986-90

Table 2

STATE	FY 86	FY 87	FY 88	FY 89	FY 90
Alabama	11	12	12	12	12
Alaska	47	47	48	47	47
Arizona	65	66	67	65	65
Arkansas	2	1	2	2	2
California	119	117	119	111	111
Colorado	6	6	8	8	8
Connecticut	2	2	1	1	1
Delaware	0	0	0	0	0
Florida	6	6	7	7	7
Georgia	0	0	0	0	0
Hawaii	1	1	0	0	0
Idaho	11	12	12	11	11
Illinois	2	1	1	1	1
Indiana	1	1	1	1	1
Iowa	4	4	4	4	4
Kansas	8	7	8	8	8
Kentucky	0	0	0	0	0
Louisiana	8	8	9	8	8
Maine	4	4	4	4	4
Maryland	5	5	4	4	4
Massachusetts	3	3	3	3	3
Michigan	75	70	67	65	63

STATE	FY 86	FY 87	FY 88	FY 89	FY 90
Minnesota	54	53	54	53	53
Mississippi	3	2	2	2	2
Missouri	1	1	1	1	1
Montana	23	23	23	22	22
Nebraska	9	8	8	8	8
Nevada	13	13	12	12	11
New Hampshire	0	0	0	0	0
New Jersey	3	3	3	3	3
New Mexico	28	28	28	28	27
New York	16	16	16	16	16
N. Carolina	23	23	23	20	20
North Dakota	23	23	24	24	23
Ohio	2	2	2	2	2
Oklahoma	317	313	325	322	317
Oregon	24	22	23	22	22
Pennsylvania	0	0	0	0	0
Rhode Island	1	1	1	1	1
S. Carolina	0	0	0	0	0
South Dakota	37	37	35	35	34
Tennessee	0	0	1	1	1
Texas	3	4	4	4	4
Utah	14	14	12	12	12
Vermont	1	1	1	1	1
Virginia	2	2	2	2	2
Washington	77	76	75	73	73
West Virginia	0	0	0	0	0
Wisconsin	40	42	41	40	40
Wyoming	6	6	6	6	6
TOTAL LEAs	1,100	1,086	1,099	1,072	1,061

Source: Office of Indian Education

INDIAN EDUCATION ACT, SUBPART 1 FORMULA GRANTS
Bureau of Indian Affairs Schools, FY 1989-90

Table 3

STATE	FY 1989 Count/Projects	FY 1990 Count/Projects	% Change Student Count
Arizona	10,050 / 37	9,968 / 37	-.8%
California	436 / 1	384 / 1	-12%
N. Carolina	938 / 1	*	NA
N. Dakota	908 / 3	941 / 3	3.6%
New Mexico	5,799 / 27	6,452 / 27	11.3%
Oklahoma	297 / 1	314 / 1	5.7%
Oregon	430 / 1	363 / 1	-15.6%
S. Dakota	2,450 / 10	2,825 / 10	15.3%
Utah	215 / 1	220 / 1	2.3%
TOTALS	21,523 / 82	21,467 / 81	-.3%

* The only BIA-operated school in North Carolina became a grant school in fiscal year 1990.

INDIAN-CONTROLLED SCHOOLS

Purpose of Program: To provide grants for education enrichment projects designed to meet the special education and culturally related academic needs of Indian children in Indian-controlled elementary and secondary schools or local education agencies eligible under the statute and regulations. Entities applying for funds under this authority may apply for one to three year grants.

Table 4

CFDA# 84.072A, INDIAN-CONTROLLED SCHOOLS, FY 1990

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Arizona (1)	
Rock Point School, Inc., Rock Point	$307,785

Table 4A

CFDA# 84.072A, INDIAN-CONTROLLED SCHOOLS, FY 1990

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Florida	
Miccosukee Corporation, Miami	$143,117
Minnesota (3)	
Heart of the Earth Survival School, Minneapolis	$358,394
Red School House, St. Paul	219,218
Red School House/Child Team Project, St. Paul	285,871
Minnesota Total	$863,483
Mississippi	
Mississippi Band of Choctaws, Philadelphia	$273,597
Montana (2)	
Chippewa Cree Business Committee, Box Elder	$187,874
Two Eagle River School	171,634
Montana Total	$359,508
Nevada	
Duckwater Shoshone Tribe, Duckwater	$ 86,614
New Mexico (3)	
Alamo Navajo School Board, Inc., Magdalena	$129,830
Sante Fe Indian School, Sante Fe	153,169
Tohatchi Special Educ. & Training Ctr., Tohatchi	95,704
New Mexico Total	$378,703
Oklahoma (2)	
Cherokee Nation of Oklahoma, Tahlequah	$ 98,389
Shawnee Indian Education Parent, Shawnee	195,368
Oklahoma Total	$293,757
South Dakota (2)	
Sicangu Oyate Ho., Inc., St. Francis	$193,675
Sisseton-Wahpeton School Board, Agency Village	184,818
South Dakota Total	$378,493
Washington	
Quileute Tribal Council, La Push	$219,958
Wyoming	
St. Stephens Indian School, St. Stephens	$145,473
Indian-Controlled Schools	**$3,450,488**
Total Number of Applications Awarded in FY 1990	**18**

Source: Office of Indian Education

OFFICE OF INDIAN EDUCATION, SUBPART 2 - SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Discretionary Grant Programs

The Indian Education Act of 1988, as amended, authorizes a variety of programs to supplement state, local, and tribal education efforts to improve educational opportunities for Indian children, college students, and adults. These programs include: special education services to Indian children, including activities to serve gifted and talented Indian students, training for Indian education personnel, fellowships for Indian students, and programs for adult education. Parent, community, and Indian student participation is required in the program's development and implementation.

Following are brief descriptions of each of the Indian education discretionary grant programs which contain: the purpose of the program, information regarding priorities, as well as a listing of fiscal year 1990 awardees and grant amounts under each funding category.

EDUCATIONAL SERVICES FOR INDIAN CHILDREN

Purpose of Program: To provide grants to state and local educational agencies and Indian tribes, organizations, and institutions for education services for Indian children, and to provide grants to consortia of Indian tribes or Indian organizations, local education agencies, and institutions of higher education and to reduce the incidence of dropouts among Indian elementary and secondary students. These projects can be funded from one to three years. In fiscal year 1990 there were 25 projects funded under this category. Below is a list of grant recipients by state under the Education Services for Indian Children during FY 1990. These include:

Table 5

CFDA# 84.061A, EDUCATIONAL SERVICES FOR INDIAN CHILDREN, FY 90

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Arizona (3)	
Phoenix Indian Center, Phoenix	$159,696
Rock Point Community School, Rock Point	214,692
Salt River Pima-Maricopa Indian Comm., Scottsdale	212,605
Arizona Total	$586,993

Table 5A

CFDA# 84.061A, EDUC. SERVICES FOR INDIAN CHILDREN, FY 1990 cont.

STATE/ORGANIZATION/CITY	GRANT AMOUNT
California (4)	
Campo Band of Mission Indians, Campo	$144,000
Parents for Improvement of Cmty./Ed. Serv., Ukiah	173,485
Parents for Improvement of Cmty./Ed. Serv., Ukiah	46,368
Soboba Band of Indians, Soboba Res., San Jacinto	171,629
California Total	$535,482
Kansas	
Kickapoo Nation School, Powhattan	$ 99,084
Minnesota (4)	
Heart of the Earth Survival School, Minneapolis	$450,660
Red School House (Pre-K Program), St. Paul	144,032
Red School House (Coop. Ed. Program), St. Paul	74,397
Red School House, St. Paul	197,436
Minnesota Total	$866,525
Mississippi	
Mississippi Band of Choctaws, Philadelphia	$212,551
Nebraska	
Indian Center, Inc., Lincoln	$130,055
New Mexico (2)	
Ramah Navajo School Board, Inc., Pine Hill	$ 68,736
Sante Fe Indian School, Sante Fe	239,109
New Mexico Total	$307,845
Oklahoma (5)	
American Indian Research & Development, Norman	$112,034
Cherokee Nation of Oklahoma, Tahlequah	133,781
Cross-Cultural Education Center, Park Hill	114,911
IKWAI F.O.R.C.E., Choctaw	211,605
Wyandotte Tribe of Oklahoma, Wyandotte	96,050
Oklahoma Total	$668,381
Utah	
Davis County Indian Parent Association, Syracuse	$116,258
Washington (3)	
United Indians of All Tribes, Seattle	$152,509
United Indians of All Tribes, Seattle	170,439
United Indians of All Tribes, Seattle	133,860
Washington Total	$456,808
Educational Services for Indian Children Total	$3,982,982
Total Applications Awarded in FY 1990	25

Source: Office of Indian Education

PLANNING PROJECTS FOR INDIAN CHILDREN

Purpose of Program: To Provide grants to state and local education agencies, Indian tribes, organizations, institutions, and federally-supported elementary and secondary schools for projects designed to plan effective educational approaches for Indian children. These projects can be awarded from one to three years. Ideally projects funded under this authority should be sequenced in order beginning with a planning project for one year, piloted for up to three years on a selected core group of participants and demonstrated with a possible national exposure. If a project were successful in receiving funding at the beginning of each funding cycle, a project could possibly exist for up to seven years.

Table 6

CFDA# 84.061C, PLANNING PROJECTS FOR INDIAN CHILDREN, FY 1990

STATE/ORGANIZATION/CITY	GRANT AMOUNT
New Mexico (2)	
National Indian Youth Leadership Program, Gallup	$ 89,696
Sante Fe Indian School, Sante Fe	178,868
New Mexico Total	$268,564
Oklahoma (2)	
American Indian Resource Center, Tahlequah	$ 91,694
American Indian Research & Development, Norman	95,549
Oklahoma Total	$187,243
Planning Projects for Indian Children Total	**$455,807**
Total Applications Awarded in FY 1990	**4**

Source: Office of Indian Education

PILOT PROJECTS FOR INDIAN CHILDREN

Purpose of Program: To Provide grants to state and local education agencies, Indian tribes, organizations, institutions, and federally-supported elementary and secondary schools for Indian children for projects designed to test the effectiveness of educational approaches for Indian children. These projects can be funded from one to three years. The following are projects awarded during fiscal year 1990.

Table 7

CFDA# 84.061D, PILOT PROJECTS FOR INDIAN CHILDREN, FY 1990

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Alaska	
Sitka Community Association, Sitka	$147,787
Minnesota	
Red School House, St. Paul	$112,171
New Mexico	
New Mexico Indian Education Association, Sante Fe	$104,150
North Dakota	
Standing Rock Sioux Tribe, Ft. Yates	$ 64,060
Oklahoma	
American Indian Research & Development, Norman	$130,854
Washington	
Seattle Indian Center, Seattle	$103,242
Wisconsin	
Red Cliff Band of Lake Superior, Bayfield	$157,512
Pilot Projects for Indian Children Total	**$819,776**
Total Number of Applications Awarded in FY 1990	**7**

Source: Office of Indian Education

DEMONSTRATION PROJECTS FOR INDIAN CHILDREN

Purpose of Program: To Provide grants to state and local education agencies, Indian tribes, organizations, institutions, and federally-supported elementary and secondary schools for Indian children for projects designed to demonstrate effective educational activities for Indian children. These projects can be funded for one to three years. The following chart shows those projects funded in fiscal year 1990.

Table 8

CFDA# 84.061E, DEMONSTRATION PROJECTS FOR INDIAN CHILDREN
FY 90

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Arizona (1)	
Rock Point School, Inc., Rock Point	$186,014
Colorado (1)	
Denver Indian Center, Denver	$168,120
District of Columbia (1)	
ORBIS Associates, Washington	$ 26,715
New Mexico (1)	
National Indian Youth Leadership Program, Gallup	$ 95,350
Oklahoma (1)	
American Indian Research & Development, Norman	$ 89,705
Demonstration Projects for Indian Children Total	**$565,904**
Total Number of Applications Awarded in FY 1990	**5**

Source: Office of Indian Education

INDIAN FELLOWSHIP PROGRAM

Purpose of Program: To provide fellowships enabling Indian students to pursue postbaccalaureate degrees in medicine, psychology, law, education, clinical psychology, and related fields or undergraduate or postbaccalaureate degrees in business, degrees in business administration, engineering, natural resources and related fields. Awards are made from one to four years or until the degree is completed. The CFDA number for the Indian fellowship program is 84.087A.

The following chart shows the fellowship recipients during fiscal year 1990 by discipline.

BUSINESS ADMINISTRATION

Table 9

FELLOW	INSTITUTION	STATE	AWARD
Allan, Dawn	Univ. of Colorado	CO	$ 9,487
Benally, Ray	Univ. of New Mexico	NM	$11,872
Claus, Sharolyn	Arizona State Univ.	AZ	$13,680
Demarais, Robert	Univ. of Oklahoma	OK	$ 5,041
Harte, Sean P.	Dartmouth College	NH	$25,000
Hovet, Regina	Univ. of Oregon	OR	$10,520
Knight, Melanie	Oklahoma St. Univ.	OK	$ 4,102
Littleton, Malissa	Univ. of Tulsa	OK	$ 8,250
Mabe, Patricia	Columbia University	NY	$24,490
Reeder, Danny	Oklahoma St. Univ.	OK	$ 8,000
Sellars, Caroline	Gonzaga University	WA	$17,10
Seymour, Andrew	Indiana University	IN	$10,774
Stratton, Sarah	**Oklahoma State Univ**	OK	$ 2,847
Villegas, Antonic	Yale University	CT	$22,900
BUS. ADMINISTRATION	**14 FELLOWS**	**10**	**$174,063**

CLINICAL PSYCHOLOGY

Table 10

FELLOW	INSTITUTION	STATE	AWARD
Anderson, Jessiline	Utah State Univ.	UT	$ 10,957
Bigelow, Sandra	Utah State Univ.	UT	$ 11,947
Hoogenboom, Carol	Forest Inst./Psych.	IL	$ 19,285

FELLOW	INSTITUTION	STATE	AWARD
Lent, Neara N.	Forest Inst./Psych.	IL	$ 19,400
Long, Virginia	N. Eastern St Univ.	OK	$ 6,942
Martin, Patsy A.	Oklahoma St. Univ.	OK	$ 5,041
Pearce, Rebecca L.	Rosemead Sch/Psych.	CA	$ 15,849
Trottier, Iva W.	Utah St. University	UT	$ 9,623
Wood, Darlene	Ca. Sch/Prof. Psych	CA	$ 19,105
CLINICAL PSYCHOLOGY	**9 FELLOWS**	**5**	**$118,149**

EDUCATION

Table 11

FELLOW	INSTITUTION	STATE	AWARD
Belgarde, Larry	Stanford Univ.	CA	$ 25,340
Brisbois, Robert	E. Wash. Univ.	WA	$ 7,479
Cashion, Michael	Gonzaga University	WA	$ 18,090
David, Yvonne	Univ. of Michigan	MI	$ 12,111
Etcitty, Raymond	Univ./ New Mexico	NM	$ 9,892
Freed-Rowland, G.	Univ. of Oregon	OR	$ 7,340
Hobson, Barbara	Univ. of Oklahoma	OK	$ 10,684
Jiron-Belgarde, M.	Stanford Univ.	CA	$ 20,407
Laber, Frank	Univ. of Montana	MT	$ 9,092
Lee, Lavon M.	Univ. of Minnesota	MN	$ 6,936
Mondragon, Robert	Harvard Grad Sch.	MA	$ 9,984
Quetone, Michael	U./Ilinois-Urbana	IL	$ 14,156
Reeder, Jonathon	U./California-LA	CA	$ 5,495
Ruhf, Ermina A.	Heritage College	WA	$ 7,199
Sciocca, Francis	Univ. of Denver	CO	$ 22,682
Steindorf, Francis	Univ. of Wisconsin	WI	$ 13,970
Tecumseh, Ramona	AZ. St. University	AZ	$ 8,578
Vizendor, Erma J.	Harvard Grad Sch.	MA	$ 15,296
EDUCATION	**19 FELLOWS**	**14**	**$241,831**

ENGINEERING

Table 12

FELLOW	INSTITUTION	STATE	AWARD
Aldridge, Michelen	Calif. Inst./Tech	CA	$ 1,200
Allen, William	Univ. of Washington	WA	$ 7,779
Bass, Christopher	Univ. of Oklahoma	OK	$ 5,299
Bond, Crystol	N. Eastern St. Univ	OK	$ 6,055
Brewington, James	MA Inst./Technology	MA	$ 7,194
Cummings, William	Georgia Tech	GA	$ 11,655
Falcone, Anthony	MA Inst./Technology	MA	$ 22,600
Fowler, Michael D.	Univ. of Nebraska	NE	$ 6,980
Franklet, Michael	OR State University	OR	$ 6,690
Fuller, Rachel K.	Univ. of Oklahoma	OK	$ 4,612
Horn, Steven	Univ. of Oklahoma	OK	$ 5,532
Jacks, Thomas	Auburn University	AL	$ 6,663
La Batte, Zachary	Cornell University	NY	$ 21,560
Locklear, Bryan	Princeton Univ.	NJ	$ 22,400
Lynch, Bradley	NC St. University	NC	$ 5,778
Mayotte, Thomas	Purdue University	IN	$ 11,340
McCovey, Michelle	Calif. Polytech	CA	$ 7,025
Taylor, William	Auburn University	AL	$ 6,663
Young, Leilus	S. Methodist Univ.	TX	$ 4,606
Zachary, Fredie	Ok. State Univ.	OK	$ 7,098
ENGINEERING	**20 FELLOWS**	**13**	**$173,729**

LAW

Table 13

FELLOW	INSTITUTION	STATE	AMOUNT
Enos, Diane G.	Arizona St. Univ.	AZ	$ 9,058
Factor, Kenneth	University of Tulsa	OK	$ 16,690
Fraelich, Timothy	Cornell University	NY	$ 18,550
Garner, Robert L.	Univ./S. California	CA	$ 24,606

FELLOW	INSTITUTION	STATE	AMOUNT
Hembree, Mickeal	Univ. of Notre Dame	IN	$ 19,487
Hogner, Linda	Harvard/Sch. of Law	MA	$ 22,565
James, Sally	Univ. of Oklahoma	OK	$ 10,673
Kawahara, James	Univ. of Calif.-LA	CA	$ 7,055
Kendall, Heather	Harvard/Sch. of Law	MA	$ 25,730
Klug, Gordon C.	Univ. of Washington	WA	$ 7,619
Kuckkahn, Tina M.	Univ. of Wisconsin	WI	$ 8,005
Morgan, Lance G.	Harvard/Sch. of Law	MA	$ 23,675
Neuerburg, Linda	Univ./ North Dakota	ND	$ 8,150
Parish, Rose Marie	Yale Law School	CT	$ 23,545
Scheeler, Wayne	Harvard/Sch. of Law	MA	$ 19,245
Strurrock, Mitchell	Georgetown Univ.	DC	$ 22,630
Thornton, Matthew	Univ. of Calif./LA	CA	$ 6,505
Tuell, Loretta	Univ. of Calif./LA	CA	$ 6,746
Woodward, Troy M.	Harvard/Sch. of Law	MA	$ 16,145
LAW	19 FELLOWS	11	$307,964

MEDICINE

Table 14

FELLOW	INSTITUTION	STATE	AWARD
Abeyta, Stacy	Univ./S. Alabama	AL	$ 16,145
Aranaydo, Linda S.	Univ. of Calif./SF	CA	$ 14,591
Bentz, Alan Elliot	Univ. of Calif./SF	CA	$ 11,591
Campbell, Clay Ian	Univ. of Oklahoma	OK	$ 14,453
Chavis, Tammie	Campbell University	NC	$ 14,936
Chee, Vernon	Georgetown Univ.	DC	$ 31,918
Chouteau, Christine	Dartmouth College	NH	$ 21,710
Collins, Kenneth	University/Alabama	AL	$ 14,682
Dial, Brian K.	Campbell University	NC	$ 10,638
Hancock, Jacqueline	University/Alabama	AL	$ 12,472

FELLOW	INSTITUTION	STATE	AWARD
Heaton-Sheuf, Janice	Univ./Washinton	WA	$ 12,000
Huddleston, Jennifer	Univ. of N. Dakota	ND	$ 27,614
Koplin, Brett	Mayo Medical School	MN	$ 15,250
Martel, Elaine C.	Univ./Washington	WA	$ 13,665
Oyler, Jeffrey	Univ./S. Alabama	AL	$ 6,310
Quaempts, Rex	Univ./Washington	WA	$ 12,351
Sandoval, Nancy	Stanford University	CA	$ 17,745
Schultheis, Dennie	Univ./Calif.-Davis	CA	$ 15,074
Thompson, Brian	Univ./New York	NY	$ 13,185
Wallace, Kathryn	Univ./Calif.-Davis	CA	$ 11,668
Warne, Donald	Stanford University	CA	$ 26,220
Watts, Shannon	Univ. of Texas	TX	$ 13,499
West, Paula Ann	Univ./Calif.-S.F.	CA	$ 9,876
MEDICINE	**23 FELLOWS**	**11**	**$357,953**

NATURAL RESOURCES

Table 15

FELLOW	INSTITUTION	STATE	AMOUNT
Anderson, Candice R.	Freed-Hardeman Coll	TN	$ 8,375
Black, Deer, Jenny	Univ./Calif.-Berk.	CA	$ 8,101
Corn, Ronald J.	Univ./Wisconsin	WI	$ 3,990
Cunningham, Benjamin	Univ./Calif.-Chico	CA	$ 6,782
Hunt, Carol E.	Univ./NC-Wilm.	NC	$ 5,927
Leask, Steven D.	Evergreen St. Univ.	WA	$ 8,880
Mueller, Monica	Coll/S Scholastica	MN	$ 15,667
Pierce, Tina	Princeton Univ.	NJ	$ 11,500
Previtte, Eddie	Univ./NC-Chapel H.	NC	$ 5,024
Ridesatthedoor, R.	Mont. St. Univ.	MT	$ 7,153
Robinson, Fannie	N.E. OK St. Univ.	OK	$ 8,120
Roupe, Tardie	Arizona St. Univ.	AZ	$ 8,674
Smith, Daphne	Univ./N. Alabama	AL	$ 5,600

FELLOW	INSTITUTION	STATE	AMOUNT
Speicher, Amanda	Dartmouth College	NH	$ 21,710
Whereat, Patricia	Oregon St. Univ.	OR	$ 5,890
NATURAL RESOURCES	**15 FELLOWS**	**13**	**$131,953**

PSYCHOLOGY

Table 16

FELLOW	INSTITUTION	STATE	AWARD
Day, Priscilla Ann	Univ./Minnesota	MN	$ 8,427
Douglas, Michael E.	J.F.K. University	CA	$ 12,867
McLogan, Patrick H.	CA. Sch./Prof.Psych	CA	$ 19,000
Osler, Linda G.	Univ. of Montana	MT	$ 6,473
Phelps, Peggy L.	S.D. State Univ.	SD	$ 9,196
Powless, Donna	Univ. of Wisconsin	WI	$ 11,990
Savage, Lisa	Univ. of Minnesota	MN	$ 10,485
Shelton, Candace	Univ. of Arizona	AZ	$ 8,578
Sullivan, Anne	Univ/MN-Duluth	MN	$ 8,647
PSYCHOLOGY	**9 FELLOWS**	**7**	**$ 95,663**

During fiscal year 1990, a total of 431 applications were received by the Office of Indian Education. Of these, only 59 new awards were made. In addition, 69 continuation awards were made to those students currently in the program. In order to receive a continuation award, a student must demonstrate acceptable performance during the past academic year in the chosen field of study. The number of applications received during fiscal year 1990 was down from the previous year by one third.

Total awards and expenditures for the Office of Indian Education Fellowship Program fiscal year 1990 are shown in the following table.

Table 17

OFFICE OF INDIAN EDUCATION FELLOWSHIP PROGRAM OVERVIEW OF FY 1990 PROGRAM BY FIELD OF STUDY AND AWARD

FIELD	# FELLOWS	TOTAL AWARD BY FIELD	AV. PER PUPIL AWARD
Business Administration	14 Fellows	$174,063	$12,433
Clinical Psychology	9 Fellows	118,149	13,128
Education	19 Fellows	241,831	12,728
Engineering	20 Fellows	173,729	8,686
Law	19 Fellows	307,964	16,209
Medicine	23 Fellows	357,953	15,563
Natural Resources	15 Fellows	131,302	8,753
Psychology	9 Fellows	95,663	10,629
TOTAL	128 FELLOWS (59 New) (69 Continuation)	$1,600,654	$12,505

Source: Office of Indian Education, Fellowship Program

FELLOWSHIP PROGRAM REVIEW, 1988-1990

Table 18

YEAR	APP'S RCVD	# AWARDED	NEW	CONT.	APPROPRIATION
1990	431	128	59	69	$1,600,654
1989	678	124	51	73	1,570,961
1988	617	141	53	88	1,600,000

In any given year, fellowship awards are made for continuation applications first and new applications are funded with the remaining program dollars. In fiscal year 1990 the Indian fellowship program was able to award only 14 percent of all new applications received. In 1989 less than 8 percent of the applications received were awarded. In terms of percentage awarded, it appears that more applications were funded. However, the actual number of applications received in 1989 was 247 more than in 1990.

EDUCATIONAL PERSONNEL DEVELOPMENT PROGRAMS

Purpose of Program: The Educational Personnel Development (EPD) Program provides training for American Indian/Alaska Native students for careers in education. The ultimate objective of the program is to train educational personnel to serve the Indian community. Under the authorizing legislation, awards are made primarily to universities for graduate programs in education. A majority of the projects offer graduate degrees in social work, educational administration, counseling, and doctoral degrees in educational development.

The same authorizing legislation provides that awards be made to Indian tribes and Indian organizations, which in turn usually subcontract with a local university or college for undergraduate degree programs to train teachers. Students at the undergraduate level take courses leading to bachelor's degrees in the fields of teaching, early childhood education, counseling, Indian language education, and educational administration. Some programs also offer teacher aid certification programs for its students. Duration of program participation ranges from one to three years, depending on the degree pursued.

The following chart shows the fiscal year 1990 grantees. Most of the projects shown are in their second or third year.

Table 19

CFDA# 84.061F, EDUCATIONAL PERSONNEL DEVELOPMENT PROGRAMS
FY 1990

STATE/ORGANIZATION/CITY		GRANT AMOUNT
California		
Humboldt State University, Arcata		$190,654
Montana (3)		
Blackfeet Community College, Browning		$ 67,628
Montana State University, Bozeman		283,540
Stone Child College, Box Elder		142,663
	Montana Total	$493,831
New Mexico		
Ramah Navajo School Board, Inc., Pine Hill		$ 49,902
Oklahoma (4)		
American Indian Research & Development, Norman		$229,551
American Indian Resource Center, Talequah		156,879
Cross Cultural Education Center, Park Hill		101,432
Cross Cultural Education Center, Park Hill		146,195
	Oklahoma Total	$634,057
Pennsylvania		
Pennsylvania State University, University Park		$197,945

Table 19A

CFDA# 84.061F, EDUCATIONAL PERSONNEL DEVELOPMENT PROGRAMS
FY 1990, cont.

STATE/ORGANIZATION/CITY	GRANT AMOUNT
South Dakota (2)	
Oglala Lakota College, Kyle	$213,188
Sinte Gleska College, Rosebud	101,487
South Dakota Total	$314,675
Wisconsin	
Menominee Indian Tribe of Wisconsin, Keshena	$180,853
Wyoming	
Univ. of Wyoming, Student Educational Opp., Laramie	$167,499
Educational Personnel Development Total	**$2,229,416**
Applications Awarded	**14**

Source: Office of Indian Education

INDIAN GIFTED AND TALENTED PILOT PROGRAM

Purpose of Program: The Indian Education Act of 1988 authorized the establishment of two Gifted and Talented Centers, funding five demonstration projects to address the special needs of gifted and talented Indian Students, and five grants to BIA schools for program research and development, and dissemination of curriculum teacher training material. As an initial activity, the statute authorized a pilot program to clarify and define the nature of the need for specific programs to meet the unique characteristics of the target population of Indian students who are gifted and talented.

The Department of Education recognizes the crucial need to develop quality education programs to meet the needs of Indian gifted and talented Indian students. The Office of Indian Education recently awarded a 14-month contract to the Turtle Mountain Community College to operate the Indian Gifted and Talented Pilot Program.

The Indian gifted and talented pilot program will: (1) gather information on existing projects designed to meet the special needs of gifted and talented Indian students, including the definition of "gifted and talented"; (2) determine methods of identifying students for services; (3) develop an appropriate definition for Indian students and test it at selected sites; (4) assess the costs associated with such services performed by these projects; (5) compare educational benefits; and (6) report findings and make recommendations.

The results shall also help clarify and define the role of cultural diversity in explaining the special needs of American Indians and Alaska Natives. Furthermore, the results of the pilot program will be used by the Office of Indian Education in establishing the framework for activities of Gifted and Talented Resource Centers, and serve as the foundation for establishing the demonstration projects.

During fiscal year 1990, competition was held to determine the contractor for the gifted and talented program. The original appropriation for the gifted and talented program was carried over from FY 1989 to FY 1990. During fiscal year 1990, the only action made concerning the program was the awarding of the contract to Turtle Mountain Community College. The address for the pilot project is:

Project Northstar
Turtle Mountain Community College
P.O. Box 340
Belcourt, North Dakota 58316

INDIAN EDUCATION ACT SUBPART 3 - SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

EDUCATIONAL SERVICES FOR INDIAN ADULTS

Purpose of Program: To provide assistance for projects designed to improve educational opportunities below the college level for Indian adults. Services delivered by Subpart 3 projects concentrate on providing adult basic education and preparation for the high school equivalency examination. In FY 1990, 30 adult education service projects were awarded and served approximately 7,800 participants. Services offered include: consumer education, career counseling, aptitude and vocational testing, and job referral.

According to a 1985 evaluation, Subpart 3 projects were doing what the law and regulations intend, that is, they provided educational services, conducted planning, pilot and demonstration projects, or offered a combination of services to the appropriate target population. Little duplication of services was found between Subpart 3 projects and those funded by the Bureau of Indian Affairs.

The following chart shows those projects funded during fiscal year 1990.

Table 20

CFDA# 84.062A, EDUCATIONAL SERVICES FOR INDIAN ADULTS

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Arizona (2)	
Cocopah Indian Tribe, Somerton	$137,603
Native Americans for Community Action, Flagstaff	105,458
Arizona Total	$243,061
Colorado	
Denver Indian Center, Denver	$134,134
Massachusetts	
Boston Indian Council, Boston	$205,461
Michigan (3)	
Genesee Valley Indian Assn., Flint	$ 50,824
Grand Traverse Band of Ottawa/Chippewa, Suttons Bay	169,886
Sault Ste. Marie Chippewa Ind., Sault Ste. Marie	77,688
Michigan Total	$298,398

Table 20A

CFDA# 84.062A, EDUCATIONAL SERVICES FOR INDIAN ADULTS, cont.

STATE/ORGANIZATION/CITY	GRANT AMOUNT
Minnesota (4)	
American Indian OIC., Inc., Minneapolis	$155,048
Heart of the Earth Survival School, Minneapolis	250,226
Migizi Communications, Inc., Minneapolis	218,725
Red School House, Inc., St. Paul	208,489
Minnesota Total	$832,488
Nebraska	
Lincoln Indian Center, Lincoln	$ 45,367
Montana (4)	
Dull Knife Memorial College	$119,008
Fort Belknap Community Council, Harlem	128,389
Little Bighorn College, Crow Agency	138,255
Stonechild College, Box Elder	129,408
Montana Total	$515,060
New York (1)	
Seneca Nation of Indians, Irving	$ 79,920
North Carolina (1)	
Cumberland Co. Assn. for Indian People, Fayetteville	$143,021
Oklahoma (4)	
American Indian Resource Center, Tahlequah	$128,337
Cherokee Nation of Oklahoma, Tahlequah	208,670
Miami Inter-Tribal Council, Miami	118,749
Sac and Fox Nation Education Dept., Stroud	156,114
Oklahoma Total	$611,870
South Dakota (2)	
Oglala Lakota College, Kyle	$ 91,024
Sisseton-Wahpeton Sioux Tribe, Sisseton	89,377
South Dakota Total	$180,401
Utah (2)	
Ute Indian Tribe, Ft. Duchesne	$ 99,562
Ute Indian Tribe, Ft. Duchesne	82,976
Utah Total	$182,538
Washington (4)	
Nisqually Indian Tribe, Olympia	$141,084
Seattle Indian Center, Seattle	143,686
Snoqualmie Tribal Learning Center, Seattle	134,991
United Indians of all Tribes, Seattle	186,520
Washington Total	$606,281
Educational Services for Indian Adults Total	**$4,078,000**
Total Applications Awarded in FY 1990	**30**

Source: Office of Indian Education

OFFICE OF INDIAN EDUCATION

Indian Technical Assistance Centers

Purpose: The Secretary of Education is authorized under Section 5321 (e) of the Indian Education Act of 1988 (P.L. 100-297) as amended by P.L. 100-427 (102 stat. 1603), to establish regional Indian technical assistance centers. The source of this authorization is also cited as Part C, Subpart 2, Section 5321 (e) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. The statute requires the Department of Education to operate regional Indian Education Technical Assistance Centers to:

- Provide information to local educational agencies (LEAs), including BIA schools, Indian tribes, Indian organizations and parent committees, with regard to strategies and techniques in evaluation that determine program effectiveness and objective assessment of student educational needs;

- Provide technical assistance, upon request, to local educational agencies including BIA schools, Indian tribes, Indian organizations, Indian institutions, and parent committees in program planning, development, management, implementation, and evaluation through materials and personnel resources; and

- Coordinate, develop and disseminate information, upon request, to the parties described in paragraph 2, concerning all Federal education programs affecting the education of Indian children and adults, including information on successful practices, models and projects designed to meet the special educational needs of Indian children, and information on Indian adult education.

The Office of Indian Education during fiscal year 1990 offered the above services to its formula grantees through contract services with the following entities:

Resource and Evaluation Center I - Serves grantees in states within the eastern region. These include:

Alabama
Connecticut
D.C.
Delaware
Florida
Georgia
Illinois
Indiana
Kentucky
Maryland
Maine
Mississippi
N. Carolina
N. Hampshire
N. Jersey
New York
Pennsylvania
Rhode Island
S. Carolina
Tennessee
Vermont
W. Virginia

Contractor: ORBIS Associates, Suite 200, 1411 K Street NW, Washington DC 20005.

Resources and Evaluation Center II - Serves grantees in states within the northern plains region. These include:

Iowa
Minnesota
Montana
N. Dakota
Nebraska
S. Dakota
Wyoming

Contractor: United Tribes Technical College, 3315 University Drive, Bismark, North Dakota 58504

Resource and Evaluation Center III - Serves grantees in states within the northwest region. These include:

Alaska
Oregon
Idaho
Washington

Contractor: Gonzaga University, 302 East Sharp, Spokane, Washington, 99258-0001

Resource and Evaluation Center IV - Serves grantees in the southwest region. These include:

Arizona
California
Colorado
New Mexico
Nevada
Utah

Contractor: NITRC, Suite 216, 2121 S. Mill Avenue, Tempe, AZ 85282

Resource and Evaluation Center V - Serves grantees in states within the central region. These include:

Arkansas
Kansas
Louisiana
Missouri
Oklahoma
Texas

Contractor: American Indian Research and Development, Inc., Suite 200, 2424 Springer Drive, Norman, Oklahoma 73069

THE COST OF INDIAN EDUCATION

Department of Interior, Bureau of Indian Affairs-Indian Education Programs

The Bureau of Indian Affairs (BIA), Indian Education Office and the Department of Education Office of Indian Education (OIE) share the federal responsibility for providing the majority of educational services for American Indian/Alaska Natives. The Office of Indian Education serves 89 percent of all K-12 Indian students in the U.S., but receives 75 percent less in federal funds than the BIA to carry out its functions. The disparity in student count and fiscal resources can be explained in the way each department defines eligibility for program participation. The OIE definition is broad and encompasses any federally-recognized or non-federally-recognized tribe, state recognized tribe, Indian organizations or bands as authorized in the Indian Education Act of 1988. The Bureau, however, provides educational services only to those persons who are members of federally-recognized tribes as defined by tribe. In addition, extra services provided by the Bureau such as school operations, periphial dormitories, higher and adult education programs, transportation and administrative functions add to the overall education cost.

Structure of the Bureau of Indian Affairs Education Programs

The Office of Indian Education Programs is a Bureau under the direction and supervision of the Assistant Secretary of Indian Affairs and is responsible for line direction and management of all Indian education functions including the formulation of policies and procedures, supervision of all program activities undertaken within the Assistant Secretary's jurisdiction, provision of administrative support services to all program activities and field offices, direction of those changes and improvements in operations resulting from audit activitiy and the approval of the expenditure of funds appropriated for the Office of Indian Education Programs. The Office is headed by a Director who, in accordance with Public Law 95-561 as amended, directs and supervises the operation of all personnel directly and substantially involved with the provision of Bureau education services, including support service personnel. The Director, through the Principal Deputy Director, exercises line authority over field education organizations including field education offices supervising Bureau-operated schools and dormitories and off-reservation boarding schools. Through the Deputy Director, the Director supervises three subordinate Offices.

The following chart shows the budget for the Bureau of Indian Affairs Indian Education Program for fiscal years 1988 through 1990. The reader should keep in mind that the figures shown indicate the amount of money appropriated each year by Congress and does not reflect the amount obligated (spent) or the amounts which go toward administrative costs.

Table 21 BUREAU OF INDIAN AFFAIRS

	Fiscal YR. 88 Appropriation	Fiscal YR. 89 Appropriation	Fiscal YR. 90 Appropriation
School Operations:			
Indian School Equalization Formula	$163,120,000	$164,290,000	$176,052,000
Education Standards	300,000	0	0
Ind. School Program Adjustments	0	0	1,885,000
Institutionalized Handicapped	1,428,000	1,428,000	3,382,000
School Boards (Expenses & Training)	1,235,000	1,235,000	*1,183,200
Student Transporation	11,962,000	11,918,000	12,489,000
Solo Parent	108,000	108,000	131,000
Technical Support (Agency & MIS)	8,890,000	8,807,000	6,990,000
Substance/Alcohol Abuse Counselors	2,400,000	2,391,000	2,330,000
Tribal Departments of Education	0	0	99,000
SUBTOTAL, School Operations	**$189,443,000**	**$190,177,000**	**$204,541,200**
Johnson O'Malley	$ 20,351,000	$23,000,000	$23,252,000
Continuing Education:			
Postsecondary Schools	$ 13,862,000	$ 11,556,000	$12,110,000
Special Higher Educ. Scholarships	1,910,000	1,960,000	2,131,000
Tribally Controlled Comm. Colleges	12,868,000	12,968,000	15,825,000
Mansfield University	0	0	395,000
SUBTOTAL, Continuing Education	**$ 28,640,000**	**$ 26,484,000**	**$ 30,461,000**
Tribe/Agency Operations:			
Scholarships	$ 28,770,000	$ 28,476,000	$27,635,000
Tribal Colleges Snyder Act Supplement	918,000	932,000	904,000
Adult Education	3,141,000	3,138,000	3,167,000
TOTAL EDUCATION	**$271,263,000**	**$272,207,000**	**$289,960,200**

Source: Bureau of Indian Affairs, 1991 Congressional Action Report, November 1990
*In FY 90 funds for school boards were transferred to ISEP formula in accordance with P.L. 100-297, which authorizes a set-aside rather than direct funding.

Department of Education, Office of Indian Education

The Office of Indian Education programs was reauthorized by the Indian Education Act of 1988, P.L. 100-297 and is comprised of 4 subparts. Subpart 1 of the Act authorizes a formula grant program for public and BIA-funded (BIA-operated and tribal schools) and a competitive discretionary grant program for Indian-controlled schools. Subpart 2 authorizes discretionary grant programs and the Indian Fellowship Program. Subpart 3 authorizes discretionary grants for Indian adult education, and Subpart 4 authorizes the administration of the Indian Education program and the National Advisory Council on Indian Education. Figure 1 on page 55 shows the number of Subpart 1 grantees by state and student count. Figures 2 through 6 (pages 56-60) show the annual appropriation by subpart since 1973 for Indian Education Act authorized activities. Figure 7 (page 61) shows the Indian Education Act appropriation in current and constant dollars since 1973. Even though Indian Education Act appropriations have generally increased since 1973, when measured in constant dollars, appropriations have actually decreased.

Structure of the Office of Indian Education

The Office of Indian Education Programs is housed within the Office of Elementary and Secondary Education (OESE) under the administration of the Assistant Secretary for Elementary and Secondary Education. OESE is one of the major organizational units in the Department of Education administered by the Secretary of Education, Under Secretary, and Deputy Under Secretaries.

The Office of Indian Education Programs is administratively structured to operate with four major components having separate but cooperative responsibilities, i.e., Director's Office, four Program Operation Branches, Division of Program Support, and Fellowship and Contracts Branch. The Director's Office is responsible for providing leadership and establishing priorities for the overall direction of Indian Education.

The four program operation branches serve four geographical areas of Indian populations. The primary responsibilities of the Program Operations Branches consist of review and approval of all Part A Formula Grant applications; the provision of technical assistance to grantees; administering and monitoring of all funded projects.

The Division of Program Support provides administrative support to the Director and the Program Operations Division. This Branch, under the direction of the Director, prepares the OIE Budget, appropriation proposals and the Annual Report to the Congress.

The Fellowship and Contracts Branch has the responsibility for all fellowship program administration and contract administration for all five resource and evaluation centers and the gifted and talented program. The following chart shows the fund distribution for each of the Subpart categories for the last three fiscal years.

Table 22 OFFICE OF INDIAN EDUCATION

	Fiscal YR. 88 Appropriation	Fiscal Yr. 89 Appropriation	Fiscal YR. 90 Appropriation
Subpart 1:			
Local Educational Agencies	$45,670,000	$49,248,000	$50,825,000
Indian-Controlled Schools	3,500,000	3,500,000	3,451,000
Subpart 1 Subtotal	**$49,170,000**	**$52,748,000**	**$54,276,000**
Subpart 2:			
Education Services for Indian Children	$ 3,710,000	$ 3,710,000	$ 4,138,000
Planning, Pilot & Demonstration	1,935,000	1,935,000	1,841,000
Fellowships	1,600,000	1,600,000	1,587,000
Education Personnel Development	2,262,000	2,262,000	2,230,000
Resource & Evaluation Centers	2,200,000	2,300,000	2,268,000
Gifted & Talented Program	0	500,000	*493,000
Subpart 2 Subtotal	**$11,707,000**	**$12,307,000**	**$12,557,000**
Subpart 3			
Education Services for Adults	$ 3,000,000	$ 4,000,000	$4,078,000
Planning, Pilot & Demonstration	0	0	0
Subpart 3 Subtotal	**$ 3,000,000**	**$ 4,000,000**	**$ 4,078,000**
Subpart 4			
Office of Indian Education	$ 2,163,000	$ 2,206,000	$ 2,403,000
NACIE	286,000	292,000	306,000
Subpart 4 Subtotal	**$ 2,449,000**	**$ 2,498,000**	**$ 2,709,000**
Indian Education Program Totals	**$66,326,000**	**$71,553,000**	**$73,620,000**

Source: Office of Indian Education Budget Reports

* The Gifted and Talented budget was reduced to $493,000 from $500,000 by the Gramm-Rudmann Hollings sequester. The gifted and talented appropriation for fiscal year 1990 was carried over from fiscal year 1989.

Table 23
OTHER FEDERAL PROGRAMS WHICH SERVE THE INDIAN POPULATION

U.S. DEPARTMENT OF EDUCATION

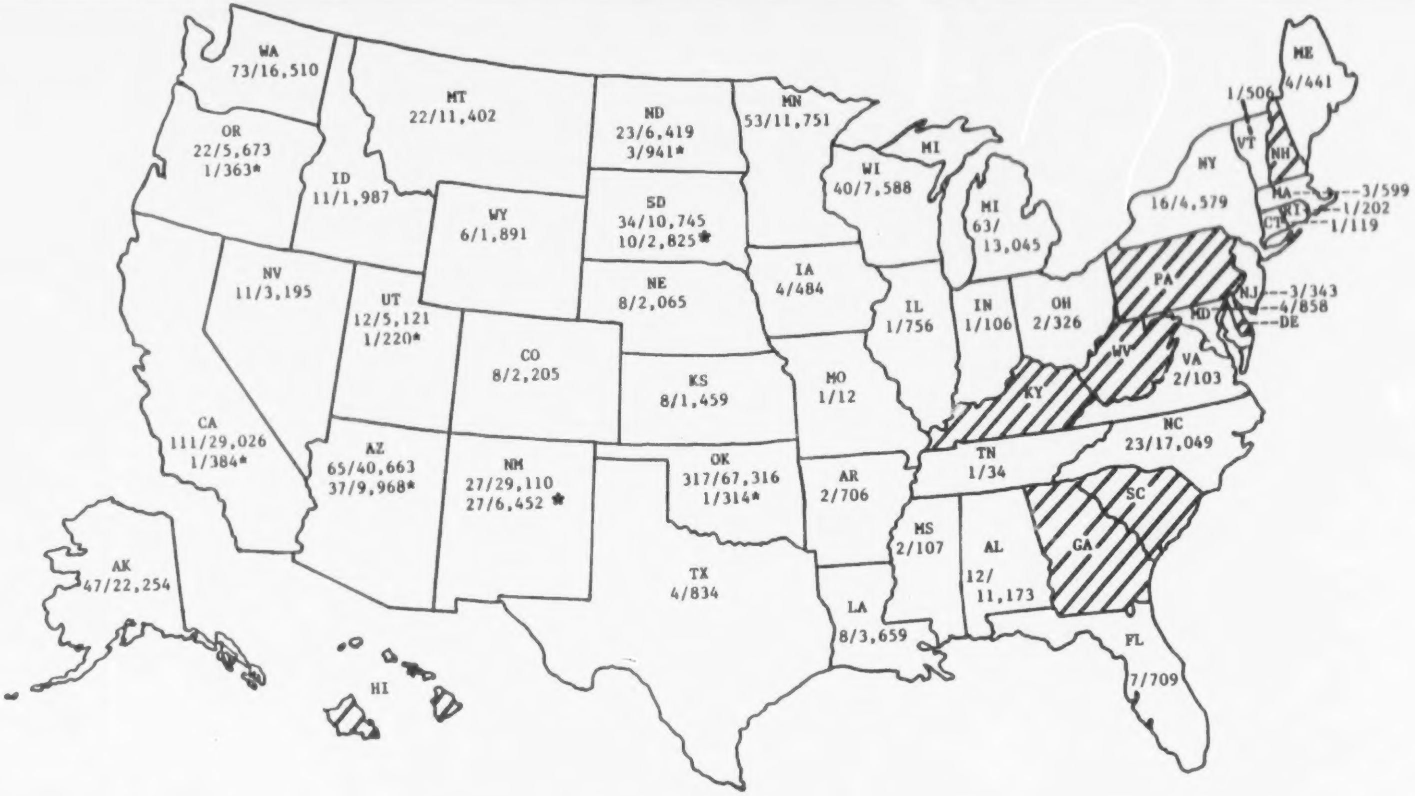
Elementary and Secondary Education	
Indian Education Act	$ 73,620,000
Impact Aid - Maintenace & Operations	243,690,065
Impact Aid - Construction	11,798,215
Adult and Vocational Education	
Vocational Education Set-Aside	11,009,952
Special Education and Rehabilitation Serv.	
Vocational Rehabilitation Set-Aside	3,821,000
Postsecondary Education	
Minority Science Improvement Program	803,106
Institutional Aid	6,585,342
Bilingual Education	14,194,000
Educational Research & Improvement	
Library Services for Tribes	2,419,120
TOTAL	$367,940,800
Operated by BIA but funded through Education Dept.	
Chapter 1 Set-Aside	$ 27,344,592
Education of the Handicapped	19,034,529
Math and Science Handicapped Set-Aside	686,660
Drug-free Schools and Communities (Set-Aside)	5,332,000
TOTAL	$ 52,397,781
Other Dept. of Education Programs Serving Indians	
Chapter 1, ECIA	$ 79,334,000*
SUBTOTAL	**$499,672,581**

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

School Operations	
ISEP (Formula & Adjustments)	$176,052,000
Institutionalized Handicapped	3,382,000
School Boards (Expense & Training	1,183,200
Student Transportation	12,489,000
Solo Parent	131,000
Technical Support (Agency & MIS)	6,990,000
Indian School Program Adjustments	1,885,000
Tribal Departments of Education	99,000
Substance Abuse/Alcohol-Educ. Prog. School Counselors	2,330,000
Johnson O'Malley	23,252,000
Continuing Education	
Postsecondary Schools	12,110,000
Special Higher Educ. Scholarships	2,131,000
Tribally Controlled Comm. Colleges (Operations & Endowment)	15,825,000
Mansfield University	395,000
Tribe/Agency Operations	
Scholarships	27,635,000
Adult Education	3,167,000
Tribal Colleges Snyder Act Supplement	904,000
BIA TOTAL	**$289,960,200**
OTHER PROGRAMS	
Office of Construction (Interior)	$ 33,710,000
Indian Health Service Scholarships	8,799,000
Head Start (Health & Human Services)	48,256,821
Job Training Partnership Act (Dept. of Labor, AI/AN JPTA Program)	57,910,602
GRAND TOTAL	**$938,309,204**

*Figures from the Office of Planning, Budget & Evaluation

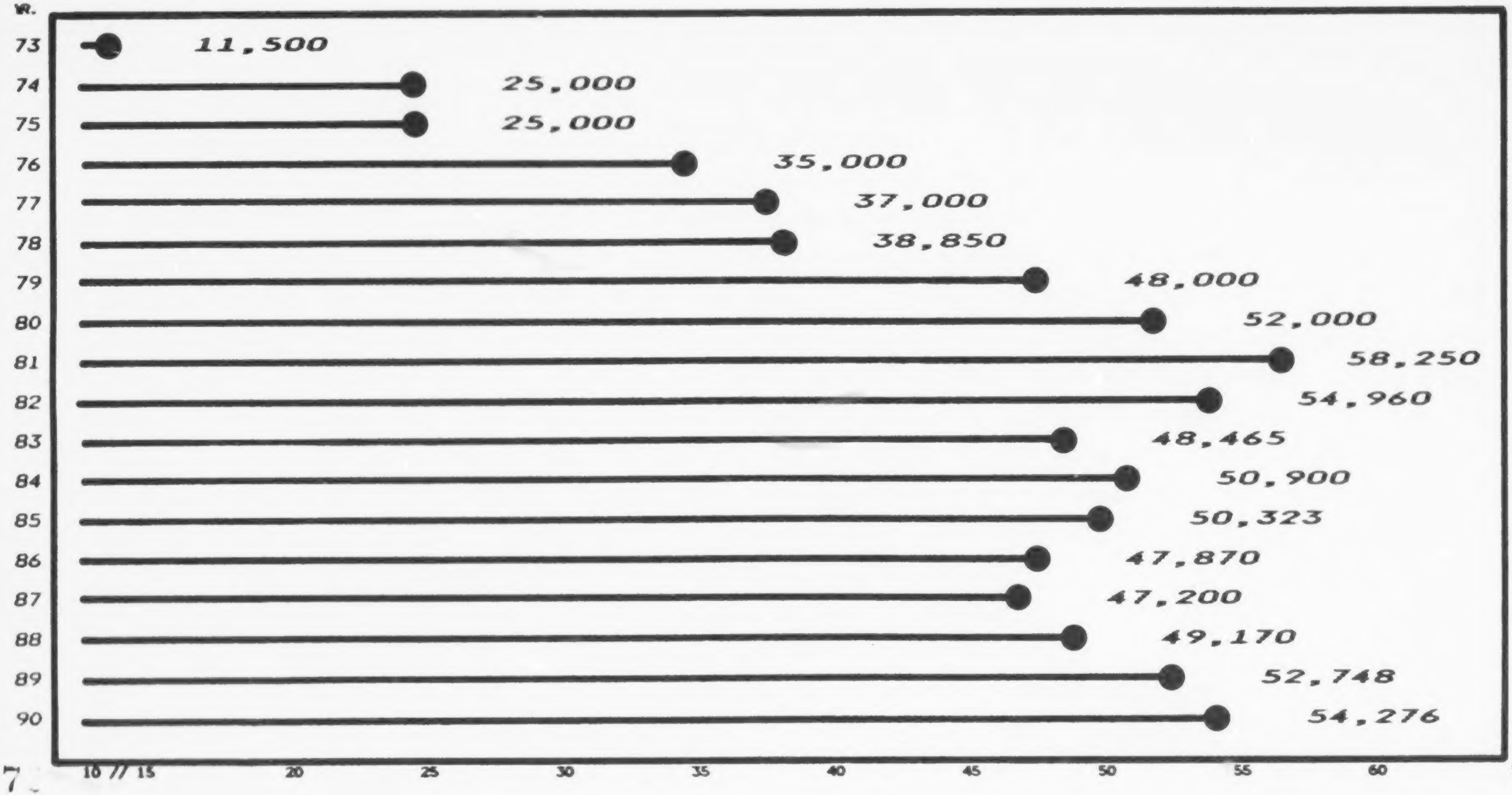
INDIAN EDUCATION ACT, SUBPART 1
Grantee/Student Participants, FY 1990
(Formula Grant Program)


WA
73/16,510
OR
22/5,673
1/363*
ID
11/1,987
MT
22/11,402
WY
6/1,891
ND
23/6,419
3/941*
SD
34/10,745
10/2,825*
MN
53/11,751
WI
40/7,588
MI
MI
63/
13,045
NY
16/4,579
ME
4/441
1/506
VT
NH
MA
3/599
RI
1/202
CT
1/119
NV
11/3,195
UT
12/5,121
1/220*
CO
8/2,205
NE
8/2,065
KS
8/1,459
IA
4/484
MO
1/12
IL
1/756
IN
1/106
OH
2/326
PA
NJ
3/343
MD
4/858
DE
WV
VA
2/103
KY
CA
111/29,026
1/384*
AZ
65/40,663
37/9,968*
NM
27/29,110
27/6,452 *
OK
317/67,316
1/314*
AR
2/706
TN
1/34
NC
23/17,049
SC
GA
MS
2/107
AL
12/
11,173
TX
4/834
LA
8/3,659
FL
7/709
AK
47/22,254
HI

00/000 Grantee/Student Count
▨ No Grantees During FY 1990
* BIA Formula Grantees

FIGURE 1

INDIAN EDUCATION ACT, SUBPART 1
(formerly Part A)



in millions

FIGURE 2

INDIAN EDUCATION ACT, SUBPART 2
(formerly Part B)

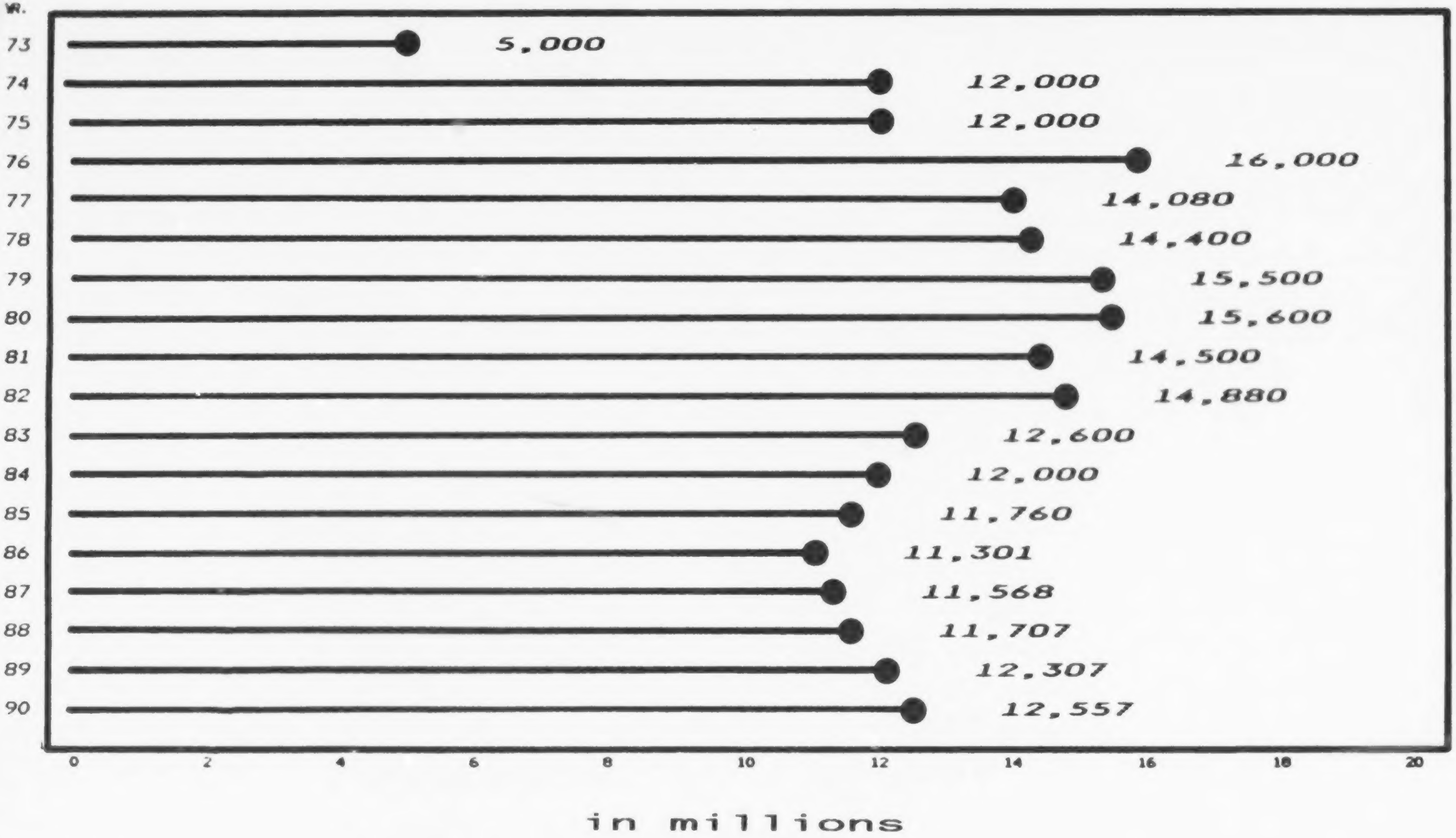
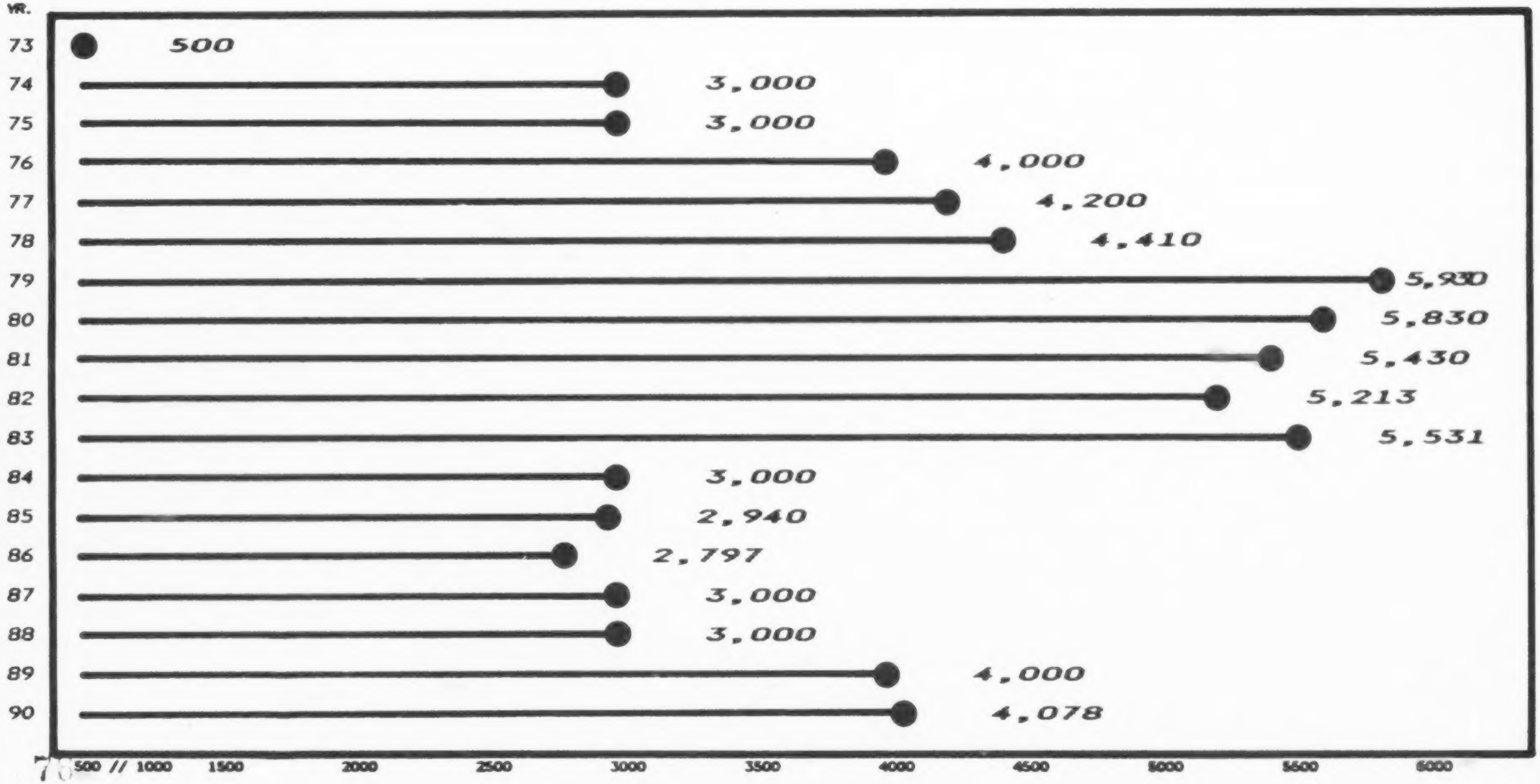


FIGURE 3

INDIAN EDUCATION ACT, SUBPART 3
(formerly Part C)



in thousands

FIGURE 4

INDIAN EDUCATION ACT, SUBPART 4
(formerly Part D)

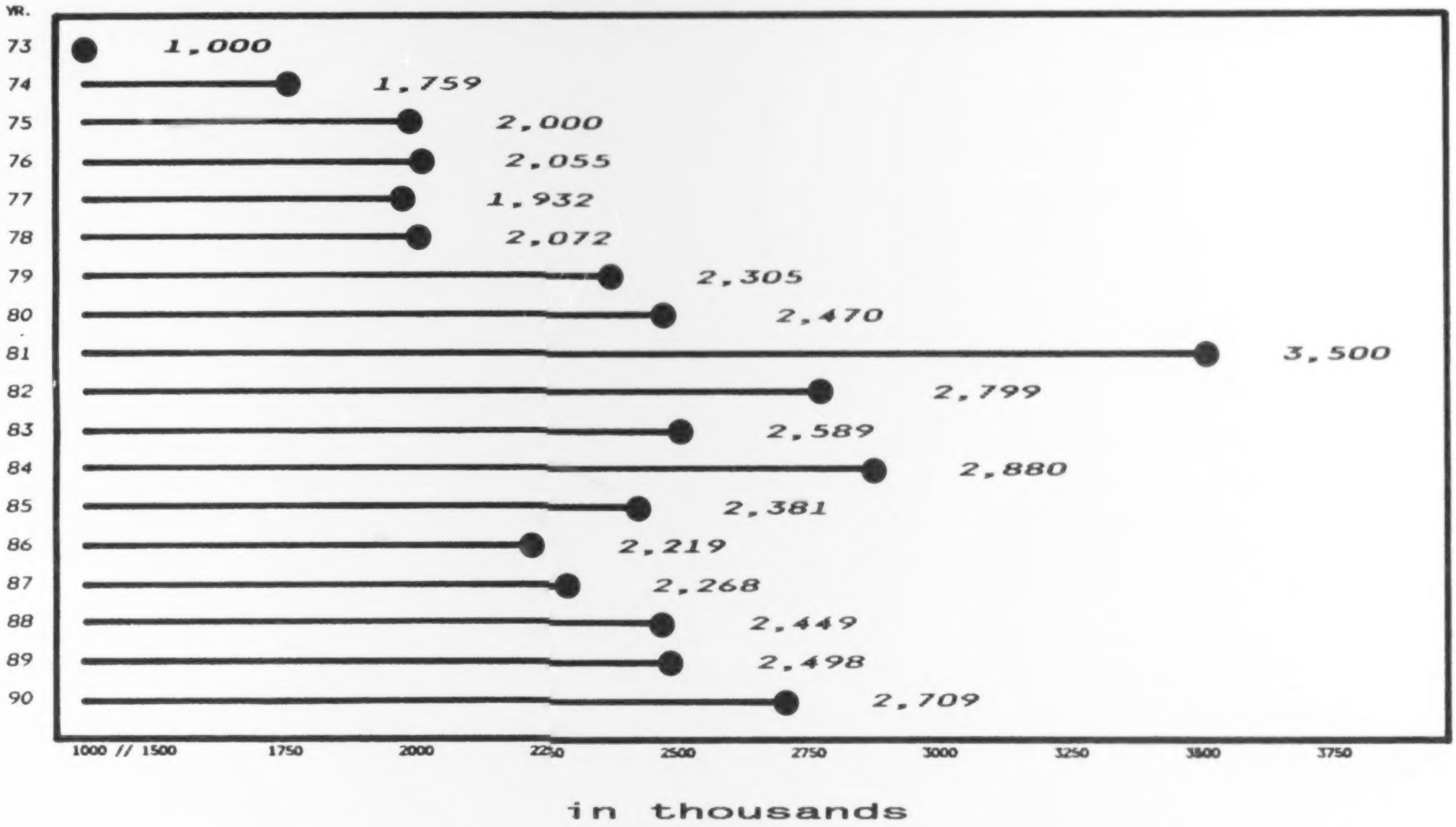
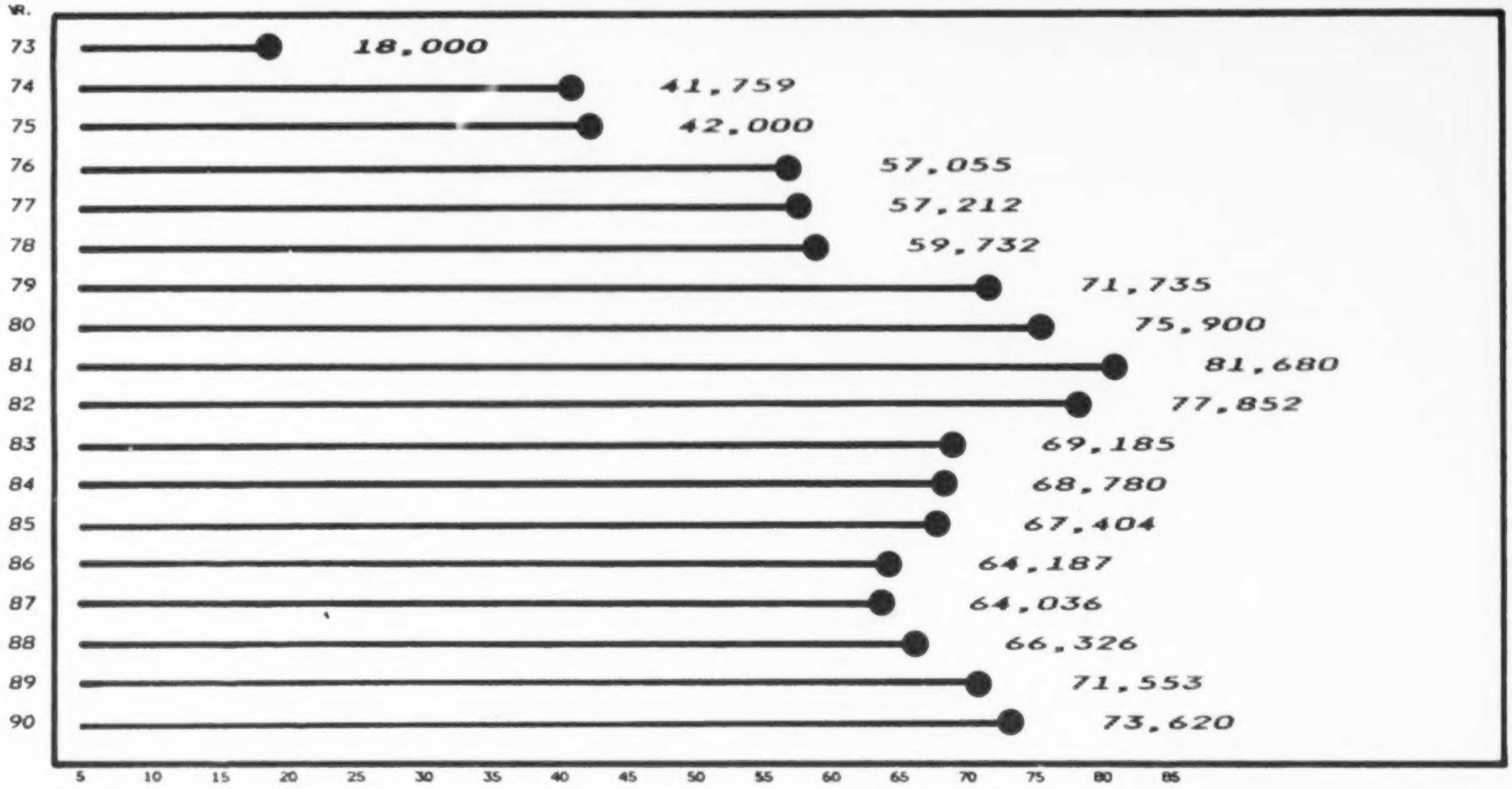


FIGURE 5

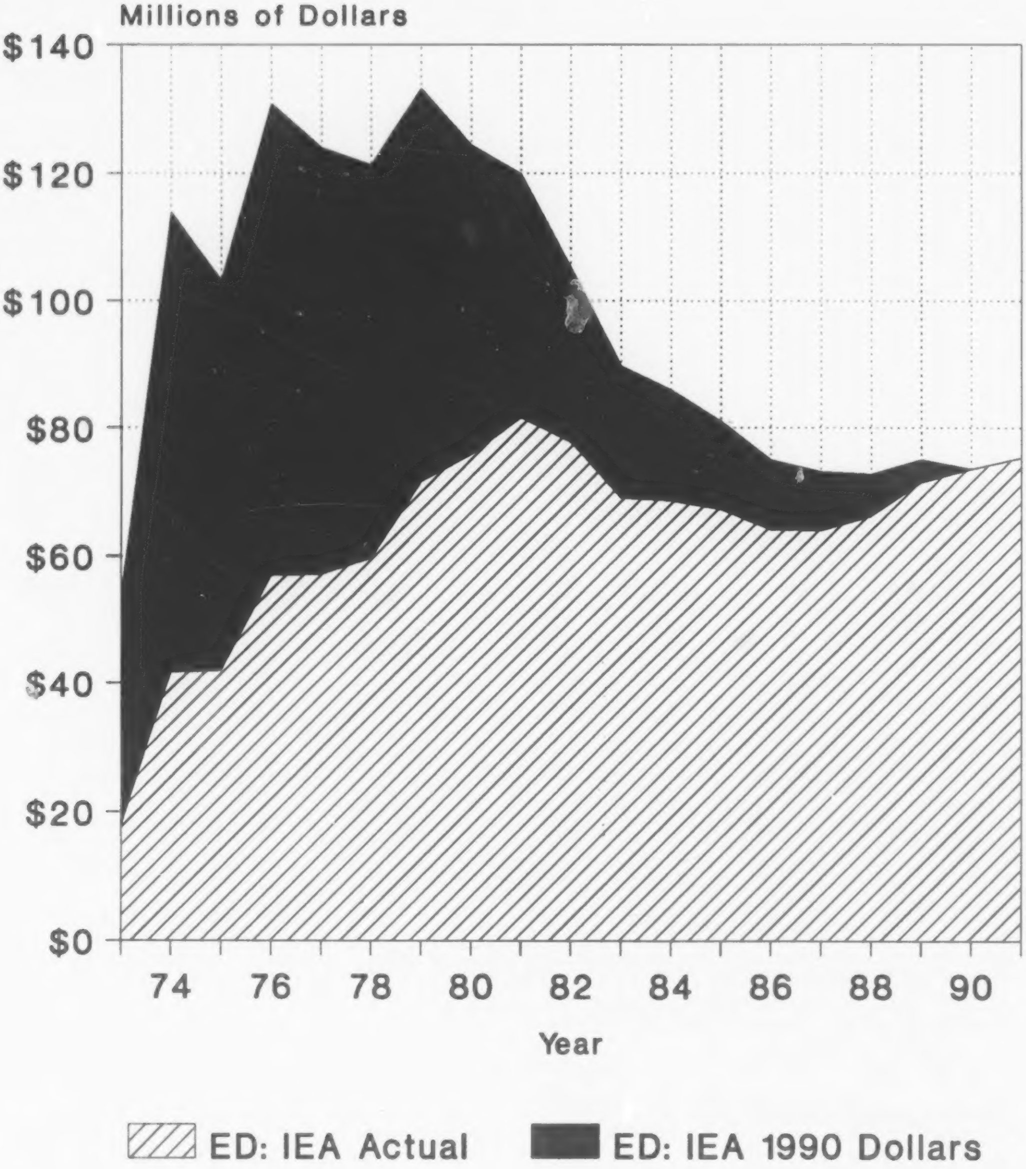
INDIAN EDUCATION ACT, FISCAL YEARS 1973–1990 (TOTAL APPROPRIATIONS)



in millions

FIGURE 6

Indian Education Act Funding in 1990 Constant Dollars & Current Dollars



Indian/Alaska Natives in Elementary and Secondary Education-Fiscal Year 1990

The National Advisory Council on Indian Education has included in its last two annual reports information describing the participation of American Indian/Alaska Native students in the American system of education. The format for this report is the same as the last two reports and will again provide valuable information to Indian educators in the field and others interested in the education of Indian people.

American Indian/Alaska Native students do not attend public schools exclusively, but are found to some degree, in other educational divisions including private, religous, tribal, federal (BIA), etc. To determine the approximate number of students attending the nation's schools, several sources of information from various agencies have been utilized including: Department of Educations' National Center for Education Statistics (NCES); the Office of Elementary and Secondary Education, Office of Indian Education (OIE), Department of Interior's Bureau of Indian Affairs (BIA), National Research Council (NRC) and the National Catholic Educational Association (NCEA). The statistical information reported by these offices rarely match and tend to change over time depending on such variables as time of data collection, sampling techniques and methods used to identify Indians. The most current information available has been used when updating the following charts on Indian participation and may not correspond exactly with previous year report data.

During Fiscal Year 1990, the number of American Indian/Alaska Native students participating in the nation's K-12 education system grew less than 2 percent (6,571 students) over the previous year enrollment. This represents close to 400,000 students of Indian and Alaska Native descent enrolled in public, private and Bureau of Indian Affairs schools for the 1989-90 school term. In total, the nation's public schools enrolled 40.5 million students of which one percent were American Indian/Alaska Native.

The American Indian public school population has increased during the last five years, while Bureau of Indian Affairs schools attendance rates have fluctuated over the same period. In fiscal year 1990, Bureau of Indian Affairs education programs served approximately 10 percent of the total K-12 Indian student population attending U.S. schools while the remaining 90 percent of Indian students were served by either public or private entities. It is generally assumed that since most Indian students are educated by public schools that few still live on the reservation. In contrast, approximately 50 percent live on the reservation and attend public schools.

The following chart shows a comparison of Indian students counted by the Office of Indian Education and the Bureau of Indian Affairs for selected years from 1968 to 1990.

Table 24

DISTRIBUTION OF AMERICAN INDIAN/ALASKA NATIVE STUDENTS IN K-12 EDUCATION PROGRAMS, SELECTED YEARS

		American Indian Students Attending		
Year	Public*	Public* and Private Schools	BIA-Schools	Total
1990	333,494	343,237	39,791	383,028
1989	326,810	337,089	39,368	376,457
1988	324,176	333,376	39,381	372,757
1987	320,405	320,500	39,911	360,411
1986	319,998	355,796	38,475	394,271
1985			41,862	
1984	321,320	364,313	40,693	405,006
1983			39,331	
1982	304,293	314,293	40,773	356,066
1981			36,580	
1980		305,730	41,604	347,334

Source: Office of Indian Education (OIE) Budget Justification Reports, Bureau of Indian Affairs (BIA) and the National Catholic Educational Association (NCEA).

* Denotes OIE student Count. The Private school numbers are those Indian students counted by NCEA plus the OIE student count. NCEA comprises 35 percent of all private schools and 54 percent of all private school students in the U.S.

The public school figures in the chart above show only those students counted under the Title V, Subpart 1 formula grant program for public schools and does not include approximately 21,000 students who are participating in the formula program at Bureau schools. This was done to avoid duplication in student counts.

While fiscal year 1990 showed a decrease in the Office of Indian Education student count of 3,600 students, the Bureau of Indian Affairs schools increased their enrollment by over 400. The reduction in students under the Subpart 1 formula program counted by the Office of Indian Education parallels the reduction in the number of Local Educational Agency grantees during FY 90. There were 11 less formula grantees in FY 90 than in FY 89. Those school districts that were not Subpart 1 grantees during fiscal year 1988 are restricted from applying for these funds until fiscal year 1991. This moratorium on allowing new LEA grantees into the formula program has allowed Bureau of Indian Affairs schools to apply for and recieve formula funds for their schools, as provided for in the reauthorization of the Indian Education Act of 1988. Part III of this report provides in detail the number of students and LEA's counted by each state during the last five fiscal years. Also provided are those organizatons funded under the discretionary category of Indian education programs.

American Education-The Big Picture in Fiscal Year 1990

In the fall of 1990, about 59.8 million persons were enrolled in American schools and colleges. About 3.5 million were employed as elementary and secondary school teachers and as college instructors. Other professional, administrative, and support staff of educational institutions numbered 3.8 million. In total, more than 67 million Americans were involved directly or indirectly, in providing or receiving formal education. In a nation with a population of about 249 million, more than 1 out of every 4 persons participated in the educational process.

Recent increases in elementary enrollment indicate a new trend that will affect elementary and secondary schools for a number of years. Projections of the National Center for Education Statistics (NCES) indicate that public elementary school enrollment will continue to increase, reaching 29.5 million in 1990 and 31.1 million in 1995. Between fall 1988 and fall 1990, elmentary enrollment grew by 4 percent, while secondary school enrollment decreased by 4 percent. The new wave of young students will begin to cause increases at the secondary school level during the early part of the coming decade. By 1995, public elementary enrollment is expected to rise 7 percent, while public secondary enrollment is expected to increase 10 percent.

During fiscal year 1990 (school year 89-90), approximately 46 million students attended the nation's public and private elementary and secondary schools. This represents a 137,000 student decrease from the previous year's enrollment. Overall, the trend in K-12 enrollment has been increasing since about 1983 and has yet to reach the 46 million mark set in 1980. This trend is expected to continue into the next decade with 50 million students projected to be attending K-12 programs by the year 2000. The following chart shows the enrollment trends in the nation's public schools and higher education institutions for the last ten years.

ELEMENTARY/SECONDARY & POSTSECONDARY ENROLLMENTS
1980 - 1990

Table 25

YEAR	PUBLIC & PRIVATE K-12 ENROLLMENT*	HIGHER EDUCATION ENROLLMENT	TOTAL EDUCATION ENROLLMENT
1990	45,826,372	13,950,642	59,777,014
1989	45,963,000	13,490,349	59,453,349
1988	45,434,000	13,043,124	58,477,124
1987	45,487,000	12,768,307	58,255,307
1986	45,205,000	12,504,501	57,709,501
1985	44,979,000	12,247,055	57,226,055
1984	44,908,000	12,241,940	57,149,940
1983	44,967,000	12,464,661	57,431,661
1982	45,166,000	12,425,780	57,636,946
1981	45,522,000	12,371,672	57,893,672
1980	46,249,000	12,096,895	58,345,895

Source: National Center for Education Statistics, "Digest of Education Statistics, 1990" (K-12 information) and National Estimates-"National Higher Education Statistics: Fall 1990" (Higher Education information)

American Indian/Alaska Natives in Private Education

Private school enrollment was estimated at 5.4 million in the fall of 1990. About 4.2 million students were enrolled at the elementary level and 1.2 million at the secondary level. Approximately 12 percent of all elementary and secondary students attend private schools. In order to determine the number of Indian students attending private K-12 schools during fiscal year 1990, we have again consulted one of the few organizations that annually conducts a survey of member schools and provides a comprehensive analysis of the characteristcs of its students. This organization is the National Catholic Educational Association (NCEA) and during FY 1990 consisted of 7,395 elementary and 1,324 secondary schools for a total of 8,719 schools. The total number of private schools for that year was 26,807. Even though NCEA schools comprise only 32.5 percent of all private schools, they represent 54 percent of the total private school population. Of the 5.4 million students attending private schools, 2.9 million attend NCEA institutions.

It is difficult to determine an accurate picture of Indian and Alaska Natives attending private K-12 schools outside the NCEA universe and the Council has brought this issue to the attention of other private and independent organizations which represent the remaining private schools. One of the problems inherent in dealing with this situation is that these organizations are typically small and the number of Indians enrolled in their schools usually make up less than one percent of the total enrollment. An example of this is the National Association of Independent Schools (NAIS) which represents 896 of the 1,500 independent schools in the U.S. The NAIS student population is approximately 323,000, of which 494 (.1 percent) are identified as Indian or Alaska Native. This situtation is often repeated at other umbrella organizations as well. In addition, these organizations inconsistently maintain enrollment data, such as racial makeup of students attending their schools. Until this issue is addressed, we will have to rely upon incomplete information concerning the private school enrollment of native students.

The following chart shows the number of NCEA students as compared with the total private school enrollment, as well as, the total public school enrollment for the last ten years.

Table 26

PUBLIC, PRIVATE, and NCEA K-12 POPULATIONS
1980-1990

Year	Public School Population	Private School Population	NCEA Population	NCEA Indian Students	% Of NCEA Pop.
1990	40,801,000	5,391,000	2,475,439	9,743	(.39%)
1989	40,608,000	5,355,000	2,498,870	10,279	(.41%)
1988	40,192,000	5,241,000	2,623,031	9,200	(.35%)
1987	40,008,000	5,479,000	2,734,000	9,300	(.34%)
1986	39,753,000	5,452,000	2,821,000	9,700	(.34%)
1985	39,422,000	5,557,000	2,901,000	9,100	(.31%)
1984	39,295,000	5,700,000	2,968,154	9,700	(.33%)
1983	39,252,000	5,715,000	3,026,200	10,700	(.35%)
1982	39,566,000	5,600,000	3,094,000	10,000	(.32%)
1981	40,022,000	5,500,000	3,106,378	9,700	(.31%)
1980	40,918,000	5,331,000	3,140,051	10,000	(.32%)

Source: U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics 1990- Enrollment in Educational Institutions 1869-70 to fall 2001. National Catholic Educational Association, 1989-90 Annual Report.

The student population at NCEA member schools has declined steadily during the ten-year period shown in the above chart. This decline represents an approximate 665,000 student drop (21 percent) in total enrollment for NCEA schools. In contrast, Indian student enrollment at these same schools has changed little during the same ten-year period, dropping only three percent (270 students). Enrollment of Indian students has fluctuated from a low of 9,100 students in 1985 to a high of 10,700 in 1983. As the enrollment figures for NCEA schools has decreased, so has the number of member schools. The number of member schools in 1980 was 9,559 and 8,587 in 1990. This reduction, however, of 972 schools has had little effect on the number of American Indian and Alaska Natives attending NCEA schools which leads one to believe that the Indian student population is either increasing or those schools that are no longer members of NCEA were in areas where few Native students live.

Overview of Higher Education-FY 1990

Enrollment at institutions of higher education in the United States reached an all-time high of about 14 million in the fall of 1990-an increase of 3.4 percent over fall 1989. The net increase in enrollment over the previous fall term was the largest since fall 1980; the percentage increase kept pace with the fall 1988 to fall 1989 change of 3.4 percent. The largest enrollment increase in recent years was in the fall of 1980 when enrollment roce 4.6 percent over fall 1979 enrollment.

The 1990 growth in enrollment was 3.8 percent for women and 2.9 percent for men. For the third consecutive year, women outnumbered men on the nation's campuses by more than one million students and had a 55 percent share of the total enrollment, which was consistent with their share of last year's enrollement. Full-time and part-time attendance showed increases of about 3 percent and 4 percent over the previous year. Undergraduate enrollment rose almost 4 percent, accounting for nearly all of the enrollment growth at institutions of higher institutions of higher learning this fall. Total postbaccalaureate enrollment increased 1 percent over fall 1989.

Public 2-year institutions captured the major share of the enrollment increase, with attendance at these schools up almost 7 percent over fall 1989. Increases in full-time and part-time enrollment of both sexes contributed to the rise. Four-year institutions experienced slower growth (2 percent) than 2-year institutions.

The enrollment increases have been occurring despite the steady decline, since 1981, of the U.S. population of 18- through 24-year-olds, which has traditionally comprised the largest share of student enrollment. The aging of the baby-boom population, (persons born 1947 through 1961) has not, as expected, contributed to overall decreases in college enrollment. While the number of 18- through 24-year-olds declined by almost 3.2 million between 1981 and 1988, their college participation rate rose about 4 percentage points, resulting in stable enrollment figures for this age cohort overall. Also, older students enrolled in greater numbers. Expressed as a percentage of total enrollment, this group grew from 34.4 percent in 1980 to 39.2 percent in 1988. The college enrollment rate for women has continued to rise. Since 1981, their total enrollment has risen 19.2 percent, compared to just 5.8 percent for men.

American Indian/Alaska Natives in Higher Education

Enrollment for Native students in higher education programs in the fall of 1990 is estimated at around 98,000. The following chart shows enrollment trends from the last ten years for all higher education institutions, as well as, the number of American Indian and Alaska Natives attending those institutions. For 1990, the enrollment of Indians in postsecondary programs has been estimated and should the trend continue as in the past several years, there will be an increase in the number of Indians in

Table 27

STUDENT ENROLLMENT IN INSTITUTIONS OF HIGHER EDUCATION

YEAR	ALL STUDENTS	AI/AN STUDENTS	AI/AN's IN 4-YR INST.	(%)	AI/AN's IN 2-YR INST.	(%)
1990	13,950,000	97,657*	43,905	(45%)	53,711	(55%)
1989	13,490,349	93,000	41,289	(45%)	50,464	(55%)
1988	13,043,124	90,000	41,000	(45%)	50,000	(55%)
1987	12,768,307	90,000	40,500	(45%)	49,500	(55%)
1986	12,503,511	90,133	39,658	(44%)	49,573	(55%)
1985	12,247,780	85,729*	38,578	(45%)	47,151	(55%)
1984	12,241,940	83,776	37,699	(45%)	46,076	(55%)
1983	12,464,780	87,252*	39,263	(45%)	47,989	(55%)
1982	12,425,780	88,000	39,000	(44%)	49,000	(55%)
1981	12,371,672	86,602*	38,971	(45%)	47,631	(55%)
1980	12,096,895	84,000	37,800	(45%)	46,200	(55%)

Source: U.S. Department of Education, National Center for Education Statistics, Higher Education General Information Survey (HEGIS), "Fall Enrollment" survey 1970 to 1985; and Integrated Postsecondary Education Data System (IPEDS), "Fall Enrollment" survey, 1986, and "Early Estimates" survey 1990.

* Estimates based on prior-year trends. The 1990 figures for AI/ANs may not be this high when final student counts are tabulated.

of Indians in postsecondary schools. The percentage of Indians attending higher education institutions has consistently remained less than one percent for the past ten years. Even though figures show an increase in native student enrollment, the representation of these students in higher education pursuits is still disturbingly low. The rate at which Indian and Alaska Native men and women attend higher education institutions is shown in the following table.

AMERICAN INDIAN/ALASKA NATIVE PARTICIPATION IN HIGHER EDUCATION BY SEX AND CONTROL OF INSTITUTION FOR SELECTED YEARS BETWEEN 1978 AND 1988

Table 28

	1978	1980	1982	1984	1986	1988
WOMEN	41,000	46,000	48,000	46,000	51,000	53,000
MEN	37,000	38,000	40,000	38,000	39,000	39,000
Difference*	**4,000**	**8,000**	**8,000**	**8,000**	**12,000**	**14,000**
PUBLIC	68,000	74,000	77,000	72,000	79,000	81,000
INDEPENDENT	9,000	10,000	10,000	11,000	11,000	11,000
Difference	**59,000**	**64,000**	**66,000**	**61,000**	**68,000**	**70,000**

*** For all years shown, more Indian women than men attended institutions of higher education.**
Source: American Council on Education "Ninth Annual Report on Minorities in Higher Education-1990".

The Public and Independent categories in the previous chart denote the number of Native students pursuing higher education by control of institution. The public category are those institutions other than private schools of which only 14 percent of Indian students attend.

More American Indian/Alaska Native women attended institutions of higher education for the ten-year period shown in the above chart. Between 1978 and 1988, enrollment for native women in higher education increased 12,000 from 41,000 to 53,000 while enrollment figures for men increased by only 2,000 during the same period. The enrollment figures for men did increase by 3,000 from 1978 to 1982, however, this increase is negligible when compared with their female counterparts.

For a comparison of how Indian and Alaska Natives compare with other ethnic groups attending the nation's insititutions of higher education, the following chart shows in rounded numbers and percentages the racial makeup of the nation's higher education population. Since 1976 the white population at higher education institutions has steadily declined from 82.6 percent to 78.8 percent in 1988 while Hispanic, Asian or Pacific Islander and non-resident alien populations have increased. The Black population at these institutions dropped by one percent during that same period. Indian and Alaska Natives showed an increase in population by 14,000 but no change in percentage makeup due to the overall increase student population over the ten-year period.

Table 29

ENROLLMENT IN INSTITUTIONS OF HIGHER EDUCATION BY RACE/ETHNICITY, 1988

ETHNICITY	POPULATION	%
White, non-Hispanic	10,274,000	78.8
Black, non-Hispanic	1,111,000	8.5
Hispanic	667,000	5.1
Asian or Pacific Islander	491,000	3.8
American Indian/Alaska Native	92,000	0.7
Non-resident Alien	409,000	3.1
ALL INSTITUTIONS	13,043,000	100.0

Source: U.S. Department of Education, NCES, "Fall Enrollment in Colleges and Universities" and Integrated Postsecondary Education Data Systems (IPEDS), "Fall Enrollment, 1988" survey.

The charts on the following pages show the number of American Indian/Alaska Natives obtaining degrees in various disciplines for selected years at the Associate's, Bachelor's, Master's, Doctorate and First-Professional degree levels.

ASSOCIATE DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1984-85 AND 1988-89

Table 30

	MEN			WOMEN			TOTAL		
FIELD OF STUDY	84-85	86-87	88-89	84-85	86-87	88-89	84-85	86-87	88-89
Agriculture/Nat. Resources	41	36	29	12	15	6	53	51	35
Architecture/Envir. Design	2	1	2	2	3	2	4	4	4
Area and Ethnic Studies	0	3	2	5	3	4	5	6	6
Business and Management	234	203	193	562	608	589	796	811	782
Communications	4	9	13	7	13	9	11	22	22
Computer/Information Sci.	16	20	24	36	27	39	52	47	63
Education	23	33	42	78	101	85	101	134	127
Engineering	313	320	360	41	40	49	354	360	409
Fine and Applied Arts	74	96	63	42	89	42	116	185	105
Foreign Languages	0	6	5	0	5	5	0	11	10
Health Professions	45	51	50	327	352	360	372	403	410
Home Economics	9	17	15	54	37	61	63	54	76
Law	0	5	8	7	6	28	7	11	36
Letters	1	4	8	4	4	10	5	8	18
Library Science	0	0	1	0	0	2	0	0	3
Life Sciences	4	5	8	4	13	12	8	18	20
Mathematics	4	2	6	0	2	3	4	4	9

FIELD OF STUDY	84-85	86-87	88-89	84-85	86-87	88-89	84-85	86-87	88-89
Military Sciences	0	1	0	0	0	0	0	1	0
Physical Sciences	7	3	1	7	3	2	14	6	3
Psychology	2	6	5	9	11	8	11	17	13
Public Affairs/Services	64	60	93	62	84	71	126	144	164
Social Sciences	10	18	15	25	34	29	35	52	44
Theology	0	0	0	1	1	2	1	1	2
Interdisciplinary Studies	345	364	372	470	482	585	815	846	957
TOTAL	1,198	1,263	1,315	1,755	1,933	2,003	2,953	3,196	3,318

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

BACHELOR'S DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

Table 31

MEN

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Agriculture/Nat. Resources	61	81	47	38	45
Architecture/Environ. Design	19	20	24	15	28
Area and Ethnic Studies	1	3	7	9	7
Business and Management	346	388	495	400	359
Communications	39	51	61	58	60
Computer/Information Sciences	11	17	76	63	60
Education	197	164	165	124	170
Engineering	150	173	263	247	239
Fine and Applied Arts	74	73	73	82	53
Foreign Languages	7	10	4	10	6
Health Professions	51	39	49	46	48
Home Economics	5	1	5	18	5
Law	3	1	2	1	4
Letters	62	44	65	48	67
Library Science	0	1	0	0	0
Life Sciences	97	67	89	79	70
Mathematics	28	10	36	33	39
Military Sciences	0	1	0	1	0
Physical Sciences	45	44	65	46	45
Psychology	87	68	75	65	61
Public Affairs and Services	83	91	76	78	79
Social Sciences	273	241	229	249	220
Theology	8	5	10	13	8
Interdisciplinary Studies	83	107	82	96	95
TOTAL	1,730	1,700	1,998	1,819	1,768

Source: National Center for Educational Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

BACHELOR'S DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

WOMEN

Table 32

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Agriculture/Natural Resources	23	15	23	20	25
Architecture/Envir. Design	6	4	11	11	11
Area and Ethnic Studies	6	1	9	20	18
Business and Management	159	248	426	383	465
Communications	30	59	94	74	77
Computer/Information Sciences	0	4	63	53	34
Education	448	405	318	328	367
Engineering	12	22	50	42	46
Fine and Applied Arts	95	114	127	102	75
Foreign Languages	15	15	19	14	30
Health Professions	155	170	224	228	197
Home Economics	74	72	68	101	46
Law	0	1	2	1	1
Letters	48	59	96	62	116
Library Sciences	2	1	0	0	0
Life Sciences	51	70	72	68	77
Mathematics	13	8	23	20	15
Military Sciences	0	0	0	0	0
Physical Sciences	18	21	33	28	18
Psychology	90	128	126	121	153
Public Affairs and Services	134	133	126	121	151
Social Sciences	224	233	218	215	211
Theology	3	0	10	2	4
Interdisciplinary Studies	68	110	110	138	141
TOTAL	1,674	1,893	2,248	2,152	2,278

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

MASTER'S DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

MEN

Table 33

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Agriculture/Natural Resources	1	4	4	4	6
Architecture/Envir. Design	2	4	10	7	3
Area and Ethnic Studies	1	3	5	4	5
Business and Management	109	128	189	112	125
Communications	2	3	3	5	3
Computer/Information Sciences	6	10	28	20	40
Education	165	159	139	120	121
Engineering	22	26	45	58	32
Fine and Applied Arts	18	9	17	24	15
Foreign Languages	2	1	1	3	1
Health Professions	19	17	14	12	21
Home Economics	1	1	0	3	1
Law	4	1	2	3	1
Letters	10	8	11	11	8
Library Sciences	2	1	2	1	4
Life Sciences	8	9	8	4	8
Mathematics	6	6	4	1	5
Military Sciences	0	--	0	0	0
Physical Sciences	26	9	19	7	12
Psychology	10	13	16	13	13
Public Affairs and Services	34	47	33	60	34
Social Sciences	28	28	25	17	31
Theology	2	1	3	6	4
Interdisciplinary Studies	13	13	5	22	7
TOTAL	**495**	**501**	**583**	**517**	**500**

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

MASTER'S DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES 1978-79 THROUGH 1988-89

WOMEN

Table 34

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Agriculture/Natural Resources	0	3	2	2	0
Architecture/Envir. Design	4	1	0	1	6
Area and Ethnic Studies	1	3	3	1	2
Business and Management	26	27	82	58	72
Communications	0	6	8	7	11
Computer/Information Sciences	10	2	13	3	3
Education	286	294	329	256	265
Engineering	2	5	4	6	5
Fine and Applied Arts	13	13	23	23	19
Foreign Languages	1	7	4	1	2
Health Professions	40	37	47	50	64
Home Economics	5	9	11	14	0
Law	0	0	1	1	3
Letters	6	10	13	12	16
Library Sciences	10	16	10	8	15
Life Sciences	8	6	10	7	9
Mathematics	2	1	3	2	1
Military Sciences	0	--	0	0	0
Physical Sciences	3	2	2	2	6
Psychology	10	19	21	24	22
Public Affairs and Services	47	45	56	84	68
Social Sciences	17	16	18	6	22
Theology	2	0	2	2	5
Interdisciplinary Studies	11	11	11	17	6
TOTAL	**504**	**533**	**673**	**587**	**633**

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

DOCTORAL DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

MEN

Table 35

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Agriculture/Natural Resources	0	2	3	2	0
Architecture/Envir. Design	0	0	0	0	1
Area and Ethnic Studies	0	1	0	1	0
Business and Management	2	5	3	1	2
Communications	0	1	0	0	0
Computer/Information Sciences	0	1	1	1	0
Education	25	41	19	25	11
Engineering	2	5	6	3	3
Fine and Applied Arts	3	1	1	0	0
Foreign Languages	0	1	1	0	0
Health Professions	1	3	5	1	1
Home Economics	0	0	0	0	0
Law	0	0	0	0	0
Letters	1	5	0	3	3
Library Sciences	0	0	0	1	0
Life Sciences	6	5	2	4	6
Mathematics	0	2	0	1	0
Military Sciences	0	--	0	0	0
Physical Sciences	7	3	9	3	9
Psychology	7	7	4	6	3
Public Affairs and Services	2	1	3	2	0
Social Sciences	11	9	4	2	8
Theology	1	1	3	2	2
Interdisciplinary Studies	1	1	0	0	0
TOTAL	69	95	64	58	49

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

DOCTORATE DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

WOMEN

Table 36

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Agriculture/Natural Resources	0	0	0	0	0
Architecture/Envir. Design	0	0	0	0	0
Area and Ethnic Studies	0	0	0	0	1
Business and Management	1	0	1	1	0
Communications	0	0	0	0	0
Computer/Information Sciences	0	0	0	0	0
Education	18	16	32	24	14
Engineering	0	0	1	0	0
Fine and Applied Arts	0	1	1	2	1
Foreign Languages	1	0	1	0	0
Health Professions	1	3	2	2	1
Home Economics	0	1	0	0	0
Law	0	0	0	0	0
Letters	2	2	4	3	0
Library Sciences	0	0	0	0	0
Life Sciences	0	3	2	1	4
Mathematics	0	0	0	0	1
Military Sciences	0	--	0	0	0
Physical Sciences	1	1	3	0	4
Psychology	3	3	1	10	5
Public Affairs and Services	1	1	0	0	1
Social Sciences	6	3	6	2	2
Theology	0	0	0	0	0
Interdisciplinary Studies	1	1	1	1	1
TOTAL	35	35	55	46	35

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees COnferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

FIRST-PROFESSIONAL DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

MEN

Table 37

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Dentistry (D.D.S. or D.M.D.)	21	9	22	11	7
Medicine (M.D.)	25	39	64	36	31
Optometry (O.D.)	0	1	1	3	3
Osteopathic Medicine (D.O.)	6	7	6	10	8
Pharmacy (D. Phar.)	1	2	1	6	1
Podiatry (Pod.D.,D.P.,D.P.M.)	0	0	2	2	2
Veterinary Medicine (D.V.M.)	8	2	5	16	8
Chiropractic (D.C. or D.C.M.)	5	1	4	3	4
Law, general (L.L.B. or J.D.)	80	68	69	84	81
Theological Professions	4	5	2	12	4
Other	0	0	0	0	0
TOTAL	150	134	176	183	149

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees COnferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

FIRST-PROFESSIONAL DEGREES CONFERRED BY INSTITUTIONS OF HIGHER EDUCATION FOR AMERICAN INDIAN/ALASKA NATIVES
1978-79 THROUGH 1988-89

WOMEN

Table 38

FIELD OF STUDY	78-79	80-81	84-85	86-87	88-89
Dentistry (D.D.S. or D.M.D.)	2	1	9	2	6
Medicine (M.D.)	13	12	25	30	30
Optometry (O.D.)	0	1	1	1	1
Osteopathic Medicine (D.O.)	2	1	2	3	1
Pharmacy (D. Phar.)	0	1	0	0	1
Podiatry (Pod.D.,D.P.,D.P.M.)	0	1	0	0	0
Veterinary Medicine (D.V.M.)	7	2	1	15	6
Chiropractic (D.C. or D.C.M.)	1	2	2	1	0
Law, general (L.L.B. or J.D.)	41	33	30	68	65
Theological Professions	0	4	2	1	9
Other	0	0	0	0	0
TOTAL	66	58	72	121	119

Source: National Center for Education Statistics, "Race/Ethnicity Trends in Degrees Conferred by Institutions of Higher Education: 1978-79 through 1988-89", January 1991.

ASSOCIATE DEGREES CONFERRED BY AMERICAN INDIAN/ALASKA NATIVES COMPARED WITH ALL STUDENTS
For Selected Years

Table 39

YEAR	TOTAL DEGREES CONFERRED	AI/AN's RECEIVING DEGREES	PERCENT RCVD BY AI/AN's
1989	429,946	3,318	.8%
1987	436,308	3,197	.7%
1985	429,823	2,953	.7%

BACHELOR'S DEGREES CONFERRED BY AMERICAN INDIAN/ALASKA NATIVES COMPARED WITH ALL STUDENTS
For Selected Years

Table 40

YEAR	TOTAL DEGREES CONFERRED	AI/AN's RECEIVING DEGREES	PERCENT RCVD BY AI/AN's
1988-89	1,015,239	4,046	.4%
1986-87	991,260	3,971	.4%
1984-85	968,311	4,246	.4%
1980-81	934,800	3,593	.4%
1978-79	916,226	3,404	.4%

MASTER'S DEGREES CONFERRED BY AMERICAN INDIAN/ALASKA NATIVES COMPARED WITH ALL STUDENTS
For Selected Years

Table 41

YEAR	TOTAL DEGREES CONFERRED	AI/AN's RECEIVING DEGREES	PERCENT RCVD BY AI/AN's
1988-89	308,872	1,133	.37%
1986-87	289,341	1,104	.39%
1984-85	280,421	1,256	.45%
1980-81	294,183	1,034	.35%
1978-79	301,707	999	.33%

DOCTORATE DEGREES CONFERRED BY AMERICAN INDIAN/ALASKA NATIVES COMPARED WITH ALL STUDENTS
For Selected Years

Table 42

YEAR	TOTAL DEGREES CONFERRED	AI/AN's RECEIVING DEGREES	PERCENT RCVD BY AI/AN's
1988-89	35,692	84	.23%
1986-87	34,033	104	.30%
1984-85	32,307	119	.37%
1980-81	32,839	130	.40%
1978-79	32,664	104	.32%

FIRST PROFESSIONAL DEGREES CONFERRED BY AMERICAN INDIAN/ALASKA NATIVES COMPARED WITH ALL STUDENTS
For Selected Years

Table 43

YEAR	TOTAL DEGREES CONFERRED	AI/AN's RECEIVING DEGREES	PERCENT RCVD BY AI/AN's
1988-89	70,758	268	.38%
1986-87	71,617	304	.42%
1984-85	75,057	248	.33%
1980-81	71,340	192	.27%
1978-79	68,503	216	.32%

AMERICAN INDIAN/ALASKA NATIVES AND EDUCATIONAL ACHIEVEMENT

In order for American Indian/Alaska Native students to meet the demands of a college education, they must first demonstrate competency in basic educational skills at the conclusion of their high school careers. To assess the extent of this competency, achievement tests are administered to college-bound juniors and seniors to determine their probable success beyond high school. The two primary examinations offered include the American College Testing Program (ACT) and the Scholastic Aptitude Test (SAT). Neither test is exclusively used, but the SAT is more often administered in the east while the ACT is more predominant in the western United States.

THE SCHOLASTIC APTITUDE TEST (SAT)

The SAT is a two and one half-hour, multiple-choice test that measures developed verbal and mathematics reasoning abilities related to successful performance in college. Student performance on the SAT is reported on a scale of 200 to 800, with a standard error of measurement of approximately 30 points. The verbal portion of the SAT also yields subscores in reading comprehension and vocabulary, which are reported on a scale of 20 to 80, with a standard error of measurement of approximately 4 points.

In 1990, American Indian/Alaska Natives taking the SAT increased their composite score from the previous year by 4 points from 384 to 388. In the last ten years, however, American Indian students have never scored above 393 on the verbal portion of the SAT compared with 431 for all students during the same period. On the math portion of the test, Native students scored their highest ever in 1990 with 437, a 9 point increase from the previous year. The highest score on the math during the last ten years for all students is 476. Scores are reported on a scale that ranges from 1 (low) to 36 (high).

While the composite score for Indians increased, the number of test-takers decreased from 18,005 in 1989 to 10,466 in 1990. This 41 percent decrease offsets a dramatic rise in the number of test-takers from 1988 to 1989 of 5,675 students (12,330 to 18,005). No indication was provided by SAT as to why there was an increase in the number of students taking the test in 1989.

The majority of SAT takers are women (52%). The proportion of ethnic minority students has been rising modestly but steadily each year, from 11% in 1973 to 27% in 1990. The percentage describing themselves as White has declined from 87% in 1973 to 73 % today. The population of test takers is 10 % Black, 8% Asian American, 6% Hispanic, and 1% American Indian/Alaska Native. The proportions of American Indian, Blacks, and Hispanics who are women are higher than for test takers as a whole. Asian Americans are the only group for which there are as many men as women. The number of Asian Americans taking the SAT has increased by about 56,000, or 350%, since 1973.

Generally, women in the population come from lower-income households and are more likely to plan to apply for financial aid, to have learned English and another language at the same time, and to be in the first generation of their family to attend college. All of these characteristics are associated with lower SAT scores.

Tables 44 and 45 provides SAT averages by ethnic group. The verbal average increased for American Indian, Asian American, and Black students, it decreased for all other groups. The average mathematical scores increased for American Indians, Asian Americans, and women, while averages for all other groups declined or remained unchanged.

SAT VERBAL-MEAN SCORES BY ETHNIC GROUP
1980-1990

Table 44	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
AI/AN	390	391	388	388	390	392	NA	393	393	384	388
Asian	396	397	398	395	398	404	NA	405	408	409	410
Black	330	332	341	339	342	346	NA	351	353	351	352
Mexican	372	373	377	375	376	382	NA	379	382	381	380
Puerto Rican	350	353	360	358	358	368	NA	360	355	360	359
Other Hispanic	NA	NA	NA	NA	NA	NA	NA	387	387	389	383
White	442	442	444	443	445	449	NA	447	445	446	442
Other	394	388	392	386	388	391	NA	405	410	414	410
All Men	428	430	431	430	433	437	437	435	435	434	429
All Women		418	421	420	420	425	426	425	422	421	419
All Students	424	424	426	425	426	431	431	430	428	427	424

SAT MATHEMATICAL-MEAN SCORES BY ETHNIC GROUP
1980-1990

Table 45	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
AI/AN	426	425	424	425	427	428	NA	432	435	428	437
Asian	509	513	513	514	519	518	NA	521	522	525	528
Black	360	362	366	369	373	376	NA	377	384	386	385
Mexican	413	415	416	417	420	426	NA	424	428	430	429
Puerto Rican	394	398	403	403	405	409	NA	400	402	406	405
Other Hispanic	NA	NA	NA	NA	NA	NA	NA	432	433	436	434
White	482	483	483	484	487	490	NA	489	490	491	491
Other	449	447	449	446	450	448	NA	455	460	467	467
All Men	491	492	493	493	495	499	501	500	498	500	499
All Women	443	443	443	445	449	452	451	453	455	454	455
All Students	466	466	467	468	471	475	475	476	476	476	476

Source: The College Board, 1990 Profile Report
NA: Not Available

PART V - AMERICAN INDIAN/ALASKA NATIVE STATISTICAL SUMMARY, FY 1990

AMERICAN COLLEGE TESTING PROGRAM (ACT)

The ACT is a three-hour exam used to assess the readiness of college-bound seniors in much the same way as the SAT. Areas covered in the test include: English, Mathematics, Reading, and Science Reasoning. The content areas utilized in the ACT were selected because they constitute the major areas of instruction in high schools and postsecondary institutions.

In October of 1989, ACT introduced the Enhanced ACT Assessment, a revised program that is responsive to changes that have occurred in high school curricula. The Enhanced ACT Assessment increases the emphasis on rhetorical skills in the measurement of writing proficiency, increases the number of advanced math items, and includes a new reading test which features inferential and reasoning skills and a test designed to measure science reasoning. As a result of all of these enhancements, test scores have been altered to reflect the changes. The following chart shows the average ACT scores of American Indian/Alaska Natives for 1989 and the scores after enhancement.

ACT ENHANCED SCALE SCORE COMPARISON WITH PREVIOUS ACT SCORES FOR AMERICAN INDIAN/ALASKA NATIVES, 1986-90

Table 46

YEAR	PRE-ENHANCED SCORES	ENHANCED SCORES
1990	*	18.0
1989	14.7	17.5
1988	14.9	17.6
1987	14.6	17.5
1986	14.4	17.3

ENHANCED ACT SCORES 1986-1990 BY ETHNIC GROUP

Table 47

ETHNIC GROUP	1986	1987	1988	1989	1990
American Indian/Alaska Native	17.3	17.5	17.6	17.5	18.0
Asian American/Pacific Islander	21.6	21.7	21.8	21.9	21.7
African-American/Black	16.2	16.5	16.6	16.6	17.0
Mexican American/Chicano	17.9	18.1	18.3	18.1	18.3
Puerto Rican/Other Hispanic	19.0	19.2	19.4	19.3	19.3
White	21.5	21.4	21.4	21.3	21.2

ETHNIC GROUP	1986	1987	1988	1989	1990
All Students	20.8	20.8	20.8	20.6	20.6
All Men	NA	NA	NA	21.2	21.0
All Women	NA	NA	NA	20.1	20.3

Source: American College Testing Service, 1986-1990 Profile Reports

SAT AND ACT COMPARISON, NUMBER OF TEST TAKERS BY ETHNIC GROUP, 1990

Table 48

ETHNIC GROUP	SAT	ACT	TOTAL
AMERICAN INDIAN/ALASKA NATIVE	**10,466**	**9,101**	**19,657**
ASIAN AMERICAN	71,792	19,081	90,873
BLACK AMERICAN	94,311	71,197	165,508
MEXICAN AMERICAN/CHICANO	26,073	22,806	48,879
PUERTO RICAN	11,400	10,669*	22,069
OTHER HISPANIC	23,608	*	23,608
WHITE	694,976	605,361	1,300,337
OTHER/NO RESPONSE	92,897	25,885	118,782
ALL MEN	490,420	367,219	857,639
ALL WOMEN	535,103	437,601	972,704
ALL STUDENTS	1,025,523	804,820	1,830,343

Source: The College Board, 1990 Profile Report and the ACT Assessment Results 1990 National Summary Report.

* ACT combines Puerto Rican, Cuban and Other Hispanic into one category.

During 1990, approximately 20,000 American Indian and Alaska Native (AI/AN) students took either the SAT or ACT college entrance exam in the U.S. Of the 20,000 Indians taking these exams, forty-six percent took the ACT and fifty-four percent took the SAT. Since the ACT is administered predominantly in the west, one would assume that more Indians took the ACT. As it turns out, the SAT was more often administered to Indian students. According to the 1990 Census, seventy-six percent of the Indian population reside in the southern and western regions of the U.S. From the limited Census data currently available, either more college-bound Indians are living in the east than the west or fewer numbers of high school age Indians from the west are preparing for college admission.

Readers should keep in mind that both tests provide the option of the test-taker to provide information regarding ethnicity, first language learned, income, etc. These persons may be from any ethnic background and actual numbers for any ethnic group would probably be higher. For example, eight percent of the total SAT examinees and three percent of the ACT chose not to respond.

The following chart shows the trend in the number to SAT and ACT test-takers for the past three years. Please note that generally, most minorities have increased their number of tests-takers during the past three years while the White population of examinees has decreased.

NUMBER OF SAT TEST-TAKERS BY ETHNIC GROUP, 1988-1990

Table 49

ETHNIC GROUP	1988	1989	1990
AMERICAN INDIAN	**12,330**	**18,005**	**10,466**
ASIAN AMERICAN	64,102	68,254	71,792
BLACK AMERICAN	97,102	96,615	94,311
MEXICAN AMERICAN	22,722	25,207	26,073
PUERTO RICAN	11,497	11,415	11,400
OTHER HISPANIC	20,213	21,242	23,608
WHITE	813,116	752,257	694,976
OTHER	14,094	13,454	14,632
ALL MEN	544,065	521,229	490,420
ALL WOMEN	590,299	566,994	535,103
ALL STUDENTS	1,134,364	1,088,223	1,205,523

Source: SAT Profiles Report, 1990

NUMBER OF ACT TEST-TAKERS BY ETHNIC GROUP, 1988-19900

Table 50

ETHNIC GROUP	1988	1989	1990
AMERICAN INDIAN	8,096	9,115	9,101
ASIAN AMERICAN	15,854	17,751	19,081
BLACK AMERICAN	69,509	74,227	71,197
MEXICAN AMERICAN	19,717	22,685	22,806
PUERTO RICAN	8,662	9,880	10,669
OTHER HISPANIC	*	*	*
WHITE	650,999	661,010	605,361
OTHER	27,668	27,919	25,885
ALL MEN	387,468	391,377	367,219
ALL WOMEN	454,854	463,794	437,601
ALL STUDENTS	1,134,364	1,088,223	1,025,523

Source: ACT Summary Report, 1990

* ACT combines Puerto Rican, Cuban and Other Hispanic into one category.

PART VI - INDIAN NATIONS AT RISK TASK FORCE STUDY

INDIAN NATIONS AT RISK TASK FORCE

On March 8, 1990, former Secretary of Education Lauro F. Cavazos issued the charter for the Indian Nations At Risk Task Force. In April, 1990, he appointed 15 members to the Task Force and charged them with: (1) studying the status of Native education in the United States; and (2) issuing a report and recommendations that would improve the quality of education of American Indian and Alaska Native children in order to improve the academic performance of these children.

Named as co-chairs to the Task Force were former U.S. Secretary of Education Terrel H. Bell and Alaska Commissioner of Education William G. Demmert (Tlingit/Sioux), now a visiting professor of education at Stanford University. Other Task Force members included:

David L. Beaulieu (Minnesota Chippewa), Minnesota Department of Education, Indian Education Manager
Robert Coles, Research Psychiatrist, Harvard University, Health Services & Professor of Psychiatry and Medical Humanities, Harvard Medical School
Joseph H. Ely (Paiute), Stetson Engineers, Inc., and former Pyramid Lake Paiute Tribal Chair
Byron F. Fullerton, attorney and former Dean, Texas Tech School of Law
Norbert S. Hill, Jr. (Oneida), Executive Director, American Indian Science and Engineering Society
Hayes A. Lewis (Zuni), Superintendent, Zuni Public School District
Bob G. Martin (Cherokee), President, Haskell Indian Junior College
Janine Pease-Windy Boy (Crow), President, Little Big Horn College and Indian Educator of the Year for 1990-91
Wilma Robinson (Creek), Director of Tribal Development for the Choctaw Nation of Oklahoma
Ivan L. Sidney (Hopi), Assistant to the Executive Vice President of Northern Arizona University and former Hopi Tribal Chair
Robert J. Swan (Chippewa-Cree), Federal Projects Coordinator for Rocky Boy Schools and past President for the National Indian Education Association
Eddie L. Tullis (Creek), Tribal Chair of the Poarch Band of Creek Indians and Chair of the National Advisory Council on Indian Education
L. Lamar White (Creek), Program Director for Instruction Technology, Florida Department of Education Technology Center

The Task Force Staff from U. S. Department of Education included:

Alan Ginsburg, Executive Director; Director, Planning and Evaluation Service, Office of Planning, Budget and Evaluation
G. Mike Charleston (Choctaw), Project Director; on leave from Pennsylvania State University, Associate Professor of Education and Director, American Indian Education Policy Center

Gaye Leia King (Creek/Seminole), Deputy Project Director; Senior Education Specialist, Office of Indian Education, Office of Elementary and Secondary Education
Manuel Smith, Administrative Officer; Planning and Evaluation Service, Office of Planning, Budget and Evaluation
Margie Lewis, Secretary; Planning and Evaluation Service, Office of Planning, Budget and Evaluation

The Task Force held its first meeting in Washington, D.C. on May 14-16, 1990. Guiding principles were adopted by the Task Force as follows:

Schools serving American Indians/Alaska Natives cannot remain mediocre. They should become models for other schools throughout America as to how to integrate high academic standards with a multicultural education. To bring about this transformation requires coming to terms with the past and present situation of American Indians/Alaska Natives to achieve the following principles:

o The United States has a responsibility to assist American Indian/Alaska Native governments and communities in preserving and protecting the unique cultures of American Indians/Alaska Natives, cultures found in no other part of the world.

  -- Government and other institutions of the dominant culture must change historical practices and relationships that have failed to enable American Indian/Alaska Native communities to sustain Native cultures.
  -- Schools must join with American Indian/Alaska Native parents and leaders to affirm and restore the cultural heritage of indigenous peoples, through the teaching of Native cultures and languages.

o The educational strategies and reforms that will be needed to achieve our national education goals must guide improvement in all schools that serve American Indian/Alaska Native students.

  -- American Indian/Alaska Native children and adults are entitled to the benefits of high-quality education and training through access to challenging curriculum and instruction and adequate facilities.
  -- American Indians/Alaska Natives should be given the opportunity and skills needed to move freely between the Native and dominant cultures and to contribute to the society in which they now live.

o Schools must provide for enriching curricula and assistance that allow for and encourage a student's personal best in academic, physical, social, cultural, psychological, and spiritual development.

  -- School personnel must inspire their students to achieve through their understanding of Native values, personal commitment to learning and high expectations for success.

  - Curriculum should draw upon Native world views and expand students' personal experiences to enable them to understand their world.
  - Students must be taught the basic and higher order skills that will enable them to make choices between vocational, technical, business, or other professional careers and understand how each of those relates to accomplishing personal goals and the goals of their communities.
  - Schools should be alcohol and drug free and should serve as a model for the community.

- Parents, Elders and community leaders in partnership with school boards, administrators and teachers must become involved in the educational process through setting high expectations for students and in creating a local climate that supports schooling. They must participate in monitoring student progress in school and, in influencing the curriculum and evaluation of students and their programs.

- Real change will require a genuine commitment not only on the part of school systems, but also by tribal governments, Native corporations, educational organizations, community organizations, business, and labor to work together to improve the life-chances of American Indians/Alaska Natives.

The Task Force held its next meeting in Juneau, Alaska on July 16-18, 1990. The Task Force agreed to hold seven regional hearings and to commission papers related to Native education. At this meeting, the Task Force established a set of education goals that were consistent with the national education goals and applicable to all federal, tribal, and private and public schools. These 10 goals are as follows.

AMERICAN INDIAN AND ALASKA NATIVE EDUCATION GOALS

GOAL 1: READINESS FOR SCHOOL

By the year 2000, all Native children will have access to early childhood education programs that continue to provide them with the language, social, physical, spiritual and cultural foundations necessary to succeed in school and reach their full potential as adults.

GOAL 2: MAINTAIN NATIVE LANGUAGES AND CULTURES

By the year 2000, all schools will offer Native students the opportunity to maintain and develop their tribal languages and create a multicultural environment that enhances the many cultures represented in the school.

GOAL 3: LITERACY
By the year 2000, all Native children in school will be literate in the language skills appropriate for their individual levels of development. They will be competent in their English oral, reading, listening and writing skills.

GOAL 4: STUDENT ACADEMIC ACHIEVEMENT
By the year 2000, every Native student will demonstrate mastery of English, mathematics, science, history, geography, and other challenging academic skills necessary to an educated citizenry.

GOAL 5: HIGH SCHOOL GRADUATION
By the year 2000, all Native students capable of completing high school will graduate. They will demonstrate civic, social, creative and critical thinking skills necessary for ethical, moral, and responsible citizenship and important in modern tribal, national and world societies.

GOAL 6: HIGH QUALITY NATIVE AND NON-NATIVE SCHOOL PERSONNEL
By the year 2000, the numbers of Native educators will double and the colleges and universities that train the nation's teachers will develop a curriculum that prepares teachers to work effectively with the variety of cultures, including the Native cultures, that are served by schools.

GOAL 7: SAFE AND ALCOHOL/DRUG FREE-SCHOOLS
By the year 2000, every school responsible for educating Native students will be free of alcohol and drugs and will provide safe facilities and an environment conducive to learning.

GOAL 8: ADULT EDUCATION AND LIFELONG LEARNING
By the year 2000, every Native adult will have the opportunity to be literate and to obtain the necessary academic, vocational and technical skills and knowledge needed to gain meaningful employment and exercise the rights and responsibilities of tribal and national citizenship.

GOAL 9: RESTRUCTURING SCHOOLS
By the year 2000, schools serving Native children will be restructured to effectively meet the academic, cultural, spiritual, and social needs. of students for developing strong, healthy, self-sufficient communities.

GOAL 10: PARENTAL, COMMUNITY AND TRIBAL PARTNERSHIPS
By the year 2000, every school responsible for educating Native students will provide opportunities for Native parents and leaders to assist in planning and evaluation of governance, operation, and performance of their educational programs.

The Task Force also agreed to hold its third meeting in conjunction with the National Indian Education Association's Annual Conference in San Diego, California, October 13-17. The Task Force also agreed to co-host with NACIE 32 special issue sessions on Indian education.

PART VI - INDIAN NATIONS AT RISK TASK FORCE STUDY

From August through October 1990, the Task Force held regional hearings in Juneau, Alaska on July 16; Billings, Montana on August 20; Seattle, Washington on September 5; Phoenix, Arizona on September 12; Oklahoma City, Oklahoma on September 17 and 18; St. Paul, Minnesota on September 21; and Cherokee, North Carolina on October 2.

The final activity of the Task Force for FY 90 was to commission authors to write papers related to important issues in Indian education that would assist the Task Force in making their recommendations to the Secretary of Education. These areas included:

- Current Conditions and Demographics in Native Communities
- Responsibilities and Roles of Governments and Native Peoples
- Resources
- Education Personnel
- Preparing Children for School
- Quality Schooling
- Improving Access to Postsecondary Education

The Final Report of the Indian Nations At Risk Task Force is scheduled for release to the Secretary of Education in late spring of 1991. A supplemental volume consisting of the commissioned papers will also be released at this time. All notes of the Task Force meetings, as well as the commissioned papers will be available to the public through the ERIC Clearinghouse on Rural Education and Small Schools, P.O. Box 1348, Charleston, WV 25325.

Indian Nations At Risk Task Force
Summary of Issues & Recommendations from Regional Hearings

July - October 1990

This summary presents issues and recommendations brought before the Indian Nations At Risk Task Force during regional hearings which were held on 07/16/90 in Juneau, AK; 08/20/90 in Billings, MT; 09/05/90 in Seattle, WA; 09/12/90 in Phoenix AZ; 09/17-18/90 in Oklahoma, OK; 09/21/90 in St. Paul, MN; and 10/02/90 in Cherokee, NC. Issues are presented in order of priority beginning with those that received the most comment.

Federal Funding of Native Education

Chronic underfunding of all Native education programs must come to an end. Education is a basic part of treaty rights and obligations. Gradual decreases in federal funding for Native education programs are resulting in cuts in essential and desperately needed services. These programs should be exempt from Gramm-Rudman budget cuts.

- The quality of Native education at the local level is directly dependent on the levels of federal ED and BIA funding. Local schools cannot effectively address critical problems such as high dropout rates and low academic success without significant increases in federal assistance. Funding for direct educational services, support services, facilities, and libraries is significantly lower for Native students than for their non-Native counterparts.
    - A full review of the ISEP formula is necessary since it currently funds programs at one-third less per pupil than public schools.
    - BIA education programs should be forward funded to eliminate the tremendously adverse impact of current-year funding.
    - Tribal schools should receive direct federal funding for JOM and school lunch programs without the imposition of state and local administration and assessed overhead costs.
    - BIA grant and contract schools seriously lack funds for facilities improvement and consequently must operate their programs out of temporary facilities that are often little more than shanties with numerous violations of health and safety codes. Tribes should be allowed to design, finance, and construct their own school buildings and renovation projects with BIA-guaranteed long-term leases to back up construction loans.
    - Additional funds must be made available to establish adequate school and community libraries, to address the problem of prohibitively high transportation costs for students on large reservations, and to provide appropriate, well equipped vocational programs.
- Funding for Native education programs must be stabilized so that long-range planning can establish the program and staff continuity which are essential to helping Native American youth overcome barriers and achieve academic success.
- The federal government should hold public schools accountable for their use of Impact Aid funds. Existing regulations that mandate Native parent and community input must be enforced through sign-off authority. Performance standards should be established for districts serving Native students. When schools do not comply with the regulations or fail to meet performance standards, funds should be withheld and assigned to parents so they might apply them to the education site of their choice.
- Regulations should be simplified so that less red-tape and fewer restrictions hamper effective delivery of services.

Teachers and Teacher Training

- American Indian and Alaska Native teachers, administrators, counselors, and specialists are needed in schools at all levels and in all areas because Native staff serve as role models for Native students and thus help increase self-esteem. Native staff are more sensitive to the cultural and learning styles of Native students because they share a common cultural and language background.

- We must establish targeted incentive and support programs to attract American Indian and Alaska Native young people into the education profession. Increasing the number of Native graduates who return to their own communities to teach would help reduce the high teacher turnover rates in remote locations.

- Both Native and non-Native teachers across the country should be required to complete a course in Native history, culture, languages, and educational needs as a part of pre-service training. This would increase their cultural sensitivity and recognition of Native American contributions to the country.

- Public schools, especially those serving significant numbers of Native students, should fully utilize in-service days, workshops, and other staff development programs to improve staff ability to effectively teach Native students.

- Non-Native teachers who go into Native communities should receive the same kind of language and cultural orientation that Peace Corps volunteers receive before they are posted. Their training should prepare them to recognize the different learning styles of Native students and learn how to provide appropriate instruction (including use of more experiential, participatory, and cooperative learning strategies).

- Alternative certification requirements must be instituted to allow tribal elders and community members with cultural expertise to participate in the instruction of Native children.

Native Parent & Community Participation and Self-Determination

- Parents are still not part of the system despite efforts to increase their involvement. They know things must change, but they lack understanding of the system and how to influence it. They are angry, frustrated, and alienated.
  - Schools in Native communities should have Native staff to interact with Native parents and create a comfort level that encourages their participation. These schools should have open classrooms where parents are welcome to come any time to observe and participate,

  and should establish a place where parents can congregate. Schools should offer extended building hours, parent-child library programs, and other family-based programs and services.

  - Schools need to be accountable to the communities they serve. They need to reach out by informing and reporting educational realities to their communities and seeking their input.

  - Teachers must make it their business to get to know parents, share information with them, and enlist their involvement with the school.

  - Parents need training to become active partners in the educational process and advocates with the schools for their own children. Schools should offer this kind of training as well as parenting classes with provisions for transportation and child care services.

- Native parents need to be empowered through Native-controlled schools where there is respect for Native values and cultural ways.

  - Native communities must be the producers of Native education materials that reflect the language and culture of the local area.

  - A Native model of education is a multi-generational model. Schools should welcome the meaningful involvement of Elders in Native education.

- The old definition of "getting parents to do what we tell them" must be exchanged for partnerships and shared decision-making.

  - In public schools with significant numbers of Native students, participative management that includes Native parents and community members will foster more community awareness of and interest in education.

  - There are seldom any Native school board members. We need mandated school board representation for Native people in public schools where there are large percentages (20 percent and up) of Native Americans.

  - Parents who serve on school boards need to have training to better understand their roles and more effectively fulfill their responsibilities.

- Natives need to be specifically included in national educational reform.

- All BIA personnel, nationally and locally, should be required to receive tribal and community recommendations regarding the education programs they manage.

Integration of Native Language and Culture

- The preservation of Native languages is of primary importance to the survival of our cultures and to the self-esteem of Native children, which leads to higher academic achievement.
    - Extensive curriculum development and training of Native speakers as teachers is necessary to restore Native language capacity. The federal government should initiate a monumental extra effort in this area to compensate for the monumental effort that was expended to eradicate Native languages over the past decades.
    - Foreign language requirements in Native schools discredit the importance of Native language. Students should be encouraged, or at least permitted, to study their ancestral language, as well as modern Western European languages, for high school credit and to meet college entrance requirements.
- The study of Native American language, law, history, culture, art, and philosophy should be required of students of Native heritage to build pride, confidence, and understanding.
    - Where Natives are the majority, efforts should be made to assure that teaching and learning is not only about the culture, but of the culture. More research should be funded to identify and apply culturally relevant pedagogy.
    - Culturally appropriate instructional strategies are based on a multigenerational approach that asks students to focus on their own culture, work collaboratively in small groups, seek the wisdom of their elders, learn from the environment and experience, and demonstrate their learnings from the work they actually produce.
    - Native American studies need to be infused into all areas of academic study: art, history, natural sciences, literature, etc.
    - Cultural curriculum should be localized to reflect the historical experience, culture, and values of the local and regional Native communities.
- Public school curricula for Natives and non-Natives must reflect accurate and balanced instruction in the history and culture of Native Americans. We need to hear about our successes. Very few people know that a Native helped write the Constitution or that a Native was Vice President of this country. More balanced curricula would help non-Native students overcome their unfamiliarity with Native Americans and increase general respect for their contributions to the country.

- Textbook vendors must be firmly persuaded to publish revised texts that do real justice to the contributions of Native Americans and other minority groups. Paragraphs and sidebars inserted here and there are not an adequate response to this demand.

- At the postsecondary level there is a paucity of multicultural and crosscultural programs. Even where courses are offered, "culturally relevant curriculum" is poorly defined and articulated.

- More regional Native heritage, cultural and historical societies, and learning centers should be established to help revitalize the values and traditions of American Native families and communities, as a way of minimizing social dysfunction.

Postsecondary Education - Financial Aid

- In every region inadequate financial aid is viewed as the major reason that Native students leave higher education. Amounts that are currently available do not begin to cover the actual tuition and living costs. Non-traditional older students are especially in need of increased financial aid to meet family responsibilities and cover the cost of off-campus housing and daycare for their children.

    - Tribal grants should be considered "sovereignty awards" and should stand apart from the calculation of eligibility for other financial aid.

    - Tuition waivers for Native Americans should be increased at the undergraduate, graduate, and professional levels.

    - The "property as an asset" statement should be removed from financial aid qualification calculations since tribal property cannot be sold and its inclusion misrepresents the resources available to grant applicants.

    - Native students need increased access to scholarships, fellowships, work-study programs, graduate assistantships, employment opportunities, and internships.

    - There must be an increased financial base to support Native students at sophomore through graduate levels. Major portions of financial aid are now dispersed to first-year students who have the highest attrition rate.

    - Students who wish to attend postsecondary vocational training programs rather than a college or university should have equal access to financial aid.

- The timing of disbursement for BIA and PELL grants is typically at least three weeks behind registration for Fall semester. Tribal contributions are often inadequate to fully cover fees. This means that students have no money for books (and therefore immediately fall behind in class) or for general living expenses (which creates discouraging personal hardships).

  - BIA and PELL grants must be disbursed prior to or not later than Fall registration.
  - Tribes should be given responsibility for the administration and disbursement of PELL and BIA grants.
  - Book vouchers should be made available at registration to eligible Native students awaiting financial aid, so that they do not have to wait several weeks into the term to purchase textbooks.
  - Lack of reliable transportation, especially in rural areas, can become a major barrier to Native students attending college. Funds should be made available to assist colleges serving large numbers of rural Native students in addressing this problem.
  - Native American students from low income families who attend college away from home are especially penalized by having to move out of dorms during breaks when they also cannot afford to travel home. They should be provided with the same inter-term access to dormitory facilities as are foreign students.

Postsecondary Readiness, Recruitment and Persistence

- Unacceptable preparedness for college is a betrayal of American Indian and Alaska Native youth who enter college with inadequate basic language, math, and study skills and are unable to complete their freshman year.
  - Identifying and nurturing potential college-bound students should begin in elementary school or at least at the middle school level.
  - There must be closer coordination between all levels of education to ensure that every effort is being made to help students finish high school and continue their education.
  - Special college preparation and tutorial services need to be provided to Native students at the secondary level.
- Natives are underrepresented in higher education in proportion to the general population. Colleges and universities should implement more aggressive recruitment programs to increase the number of Native students who attend college.
  - Native high school students must have access to better college counseling. Native schools need to more actively inform themselves

and their students about college opportunities. Public school counselors need training to redress their tendency to think minimally about the college potential of Native students.

  - There should be greater coordination between high schools and postsecondary institutions that serve large numbers of Native American students.
  - Summer on-campus programs like Upward Bound should be more widely available.
  - College admissions officers should consider teacher recommendations of Native applicants as well as test scores in determining acceptance.

- The failure rate of Native students in postsecondary institutions is greater than that of any other ethnic group. To reduce college attrition and increase persistence, support services need to be provided to address the social and cultural needs of Native students who often have had limited or no exposure to a college environment.
  - College campuses with large concentrations of Native students should develop Native Learning Centers with counseling and tutorial support systems. These Centers should host cultural and social events and also serve as a place where Native students can gather informally and find a support network.
  - Currently enrolled Native college students in good standing could be selected and trained to serve as positive peer mentors and "retention specialists" for incoming Native students.
  - Postsecondary institutions need to provide Native American students with better career counseling and mentoring programs to increase graduation rates and raise employment aspirations.

Postsecondary - Tribal Colleges

- Tribally-controlled community colleges are the pride of the Native American people. They are currently struggling to serve increasing numbers of students. They need increased support because of the essential role they play in preparing students for entry or return to four-year colleges and universities, or for employment in the Native community.
  - Congress needs to fulfill its commitment to tribal community colleges by providing funding of $5,820 for each student.
  - Additional funding is urgently needed for facilities renovation and construction.

  - At least six more tribal community colleges should be established in states like Oklahoma, California, and New Mexico, which have large Native populations.

Other Postsecondary Concerns

- Institutions of higher education must address the challenges of recruitment and retention of minority faculty and staff. Native American faculty are often overextended as minority representatives and are not rewarded for necessary work such as counseling Native American students.

- In many rural Indian reservations and Alaska villages the rate of those high school graduates who stay in or return to the community is extremely high. Unemployment is a major problem. Native students should not be taught to feel that pursuing postsecondary vocational education rather than college means failure.

- Jobs in Native communities (and elsewhere) often require experience as well as education. Internship programs are needed for college juniors, seniors and graduate students to help them prepare for successful post-graduation employment. Internships could be established in partnership with tribes and Native organization.

Support Services for At-Risk Native Youth

- Many of our children who come from dysfunctional homes are in emotional pain and anger. They end up being suspended, expelled from school, and "thrown away." They are likely to abuse drugs and alcohol, commit suicide, develop emotional problems, or become teenage parents. Support services are necessary to provide a safety net for these children.

  - The system and teachers must no longer deliver the standard curriculum without acknowledging that at-risk students come to school ill-prepared to learn because they are coming from dysfunctional families. Teachers, administrators, and support staff need training to recognize cries for help.

  - Support must be made available to strengthen families and help them resolve their problems. For the child whose parents are not supportive, mentoring relationships with other adults may provide an answer.

  - Native counselors are needed at all elementary, middle, and senior high school levels to provide culturally sensitive support services.

  - Identification and intervention programs should begin early and include counseling on an individual and group basis; mentoring programs should include teacher, peer, and community resources.

  - Special efforts should be targeted at the middle-school-age student since this is a critical and vulnerable time when many students are making key life decisions.

- More funding is needed for substance abuse prevention and dependency programs. Such programs are essential to guaranteeing safe, disciplined, and drug-free schools.

  - These programs must be community based and tribally controlled and must advocate a return to traditional values and wisdom.

  - Tribal leaders must provide the leadership in any such programs to assure their success, since substance abuse problems are a part of the social and economic fabric of many reservations.

  - These programs must include parents, extended families, and elders.

- Serious and immediate attention must be focused on addressing the alarming increase in incidence of Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE) children.

- Resources are needed to educate young people to avoid teen pregnancy. Failing that, adequate day care must be made available to teen parents to enable them to complete their education.

- Comprehensive wellness and health education programs must be integrated into the curriculum in grades preschool through 12 to address problems that may become barriers to academic success.

Curriculum and Educational Programs

- Native American students should have greater access to enriched programs rather than just remedial programs.

  - Improved math and science programs for Native Americans are crucial to adequately preparing young people for jobs in the future. These subjects must be taught in enriched, interesting, and creative ways that motivate children. Instruction should include culturally relevant materials and hands-on experiences. Effective programs would also offer supplemental summer programs and increased support services, including mentoring.

  - American Natives are underrepresented in Gifted and Talented programs, and many bright students need these opportunities to enhance their skills. The two Indian Gifted and Talented Centers mandated in PL 100-297 should be funded and implemented.

  - Dynamic and strong Native youth leadership programs and opportunities must be developed and implemented in grades K through 12. The federal government should establish a grant program in this area which would be matched by state, local, and/or tribal funds.

- Effective tutorial programs should be established to provide one-on-one assistance to help bring Native students up to grade level in basic skill areas.

- Teachers can help Native children improve their reading skills by basing instruction on materials and subjects of interest to the child. Reading skills must be emphasized in elementary levels because of the increasingly debilitating impact that poor skills have on children as they progress through school.

- There is a critical need for good vocational education programs for Native Americans. Native schools need to plan their curriculum in concert with tribal economic development efforts to meet the needs of youth who do not wish to leave the reservation.

- Health curriculum should be integrated into the K through 12 curriculum rather than being offered only as a semester course in high school

- Native schools should make increased use of "effective schooling" practices

Roles of Federal, State, and Tribal Governments

- The federal trust commitment for Native education must be maintained and strengthened. The Task Force should make a clear statement that all issues in Native education are tied in a larger sense to abrogation of treaty rights.

- The Office of Indian Education should be restored to its original status directly under the U.S. Secretary of Education. Within this office all programs (early childhood through postsecondary) that provide Native education services should be reorganized under one cohesive policy and administrative banner.

- For the first time in ten years the ED Office of Indian Education and the BIA Office of Indian Education Programs have directors, not "acting directors." The lack of consistent administration in these critical positions for this length of time has contributed greatly to the problems in Native education because no consistent and strong direction or attention was given to the many programs within these Departments.

  - Timely dissemination of information from the BIA and ED to tribes regarding policy changes, public hearings, technical assistance, and legislation is very poor.

  - BIA and ED technical assistance in Native education is sorely lacking and desperately needed.

  - ED and the BIA must strengthen their collaborative efforts. One critically important area should be the establishment of a comprehensive national and state-by-state database on Native education.

- The BIA is an ineffective and poorly managed player in the Native education community, yet Native educators are wary of giving up the trust relationship that BIA represents.

  - Information provided concerning plans to reorganize the BIA Office of Indian Education Programs (OIEP) has been inadequate for thorough evaluation.

  - Closure of area offices is opposed in some regions because it would abolish important and accessible support services.

  - BIA schools do not allow enough local involvement in selecting teachers, and they require excessive documentation and paperwork on the part of school administrators.

- A national Native accreditation agency should be established as an entity separate from the current state and regional systems. This would assure that Native schools are encouraged and allowed to offer culturally relevant appropriate programs as determined by local Native communities.

- The planning for the White House Conference on Indian Education has been very slow and poorly executed. It cannot be successful unless it is given the priority that the conference and the Native people deserve.

- States must legislatively assure that local education agencies institutionalize their commitments to Native education.

  - The "New Federalism" suggests that states may play a greater role in assuming responsibility for Native education, yet many states continue to be unresponsive to the needs of Native Americans.

  - There is a need for greater coordination of efforts between states and tribes.

  - Centers for Native education should be established at the state level to coordinate Native education resources and technical assistance.

- Tribal communities need to come to the aid of tribal children. Their education must be designed by the tribes from start to finish. The federal government's role must be to support and provide the resources to tribal governments for establishing their own tribal education departments and education codes to serve their own children.

- Improved relations are needed between state departments, local school boards, and tribal governments. Some tribal groups have taken steps in this direction by creating and gaining signatures for joint interagency memoranda of understanding among all of these groups.

Prejudice and Racism

- Native Americans are experiencing racism on both personal and institutional levels.
    - Native students are frequently treated as remedial and therefore fail because of negative teacher expectations.
    - When Native students are scattered and isolated in inner-city and suburban schools, they feel they are misfits. If they acknowledge themselves as Natives they are often subjected to taunts and racial slurs which make them feel threatened and ashamed. If they defend themselves against verbal and physical harassment, they are suspended and expelled. Alienation is a key contributing factor in the high dropout rates.
    - Prejudicial attitudes of administrators and teachers still prevent schools and districts from integrating Native language and culture into the curriculum, even when excellent materials and resources are available.
    - Schools and districts (especially those that are small and rural) often constitute power bases in which there is active resistance to shared decision-making with Native American parents and tribes.

- Racism, as reflected in media coverage of Native issues, feeds an undercurrent of negative attitudes in communities with Native populations and across the country.

- Meaningful workshops must be widely offered to non-Native teachers and administrators in order to overcome prejudicial attitudes by raising cultural awareness and appreciation of Native history, literature, language, culture, and spiritual values.

- There must be an end to the continued use of American Native people as mascots, official symbols, emblems, and namesakes for school (and professional) athletic teams, newspapers, yearbooks, and so forth. Such depiction is offensive, demeaning, and degrading and perpetuates negative racial stereotypes.

Standards and Testing

- Native parents and communities must stop thinking of success as reduced dropout rates and fewer suspensions and start thinking of success as high graduation rates and postsecondary enrollment.
- Excellence as well as equity must be assured for Native American students. Teachers must hold high expectations for Native students whom they teach and provide a variety of opportunities for successful achievement. The same standards and values should be applied to everyone.
- Native American students should be educated in "least restrictive environments," but not by pulling them out and treating them as problems.
- There is a need to "Nativeize" Native education at all levels; this includes philosophy, textbooks, methods, content, and especially standards. An initiative should be started through the Native Education Centers to establish comprehensive Native education standards that could guide both BIA and ED programs.
- Native students are not adequately evaluated by standardized tests, which tend to be biased. We need to develop measures of Native student aptitudes and abilities that are unbiased and sensitive to their psycholinguistic and cultural differences.

Early Childhood Education

- Preschool programs, such as Head Start and Home Start, must be made available to all eligible American Indian/Alaska Native children. Early childhood education clearly contributes to later school success.
    - Eligibility should extend to two years minimum. One year is not enough to adequately meet the goals of school readiness.
    - Parent income level eligibility requirements should be eliminated since they serve as a disincentive to parents who want to improve their own education and employment but don't want their children to lose Head Start benefits.
    - Funding for programs should not be restrictive, based on poverty level or the existence of a BIA school, but should be based on the community needs of the tribe/reservation.

- Programs should be family-based and include parent training and involvement components. They should also incorporate culturally relevant curriculum and include health and nutrition education.

- Preschool programs must be readily available to rural populations, be well-staffed with well-paid trained professionals, have generous budgets for equipment, and be flexible to allow for community and parental involvement.
- It is particularly important that teenage Native parents receive training in parenting skills. Prenatal care should be provided to young parents, and health screening should be provided for preschool children.

- Native Head Start programs should include provision for transportation to make these services more accessible, especially in isolated rural areas.

Urban and Public School Education

- Desegregation has been harmful to Native education and has hurt Native students by scattering and isolating them from their peers and making it costly and difficult to provide effective cultural programs and support services. Brown v Board of Education has been a benign weapon with a disastrous impact on Native American students.

    - When the impact of these policies can be demonstrated to be negative, waivers and other alternatives must be allowed to reverse this impact.

    - American Natives are a tribal people; Native students learn best when there is a "critical mass" together in one site. Therefore, urban Native children should be brought together in schools of choice, such as Native magnet schools.

- Most Native students are now being educated in public schools. Yet public education systems are structured in ways that are counterproductive to the education needs of Native American students.

    - Unions and collective bargaining mitigate against hiring and retaining Native educators.

    - Native American programs are continually underfunded and marginal.

    - It is difficult, if not impossible, to get Native curriculum into schools because teachers and administrators refuse to use materials that are developed outside the system.

- Until public schools are restructured to adequately meet the needs of Native students, there must be continued local, state, and federal support for effective Native alternative schools.

- Native young people are increasingly assuming the profile of other disadvantaged inner-city youth. There is escalating gang activity, violence, and use of weapons at younger and younger ages. Native communities must develop intervention and respite strategies to reverse this trend and to guarantee safe passage for innocent young people to and from school.

Adult Basic Education (ABE)

- As a result of high dropout rates and high unemployment rates, some of the most severe needs in Native education are for adult services. Studies show that Native GED graduates attend college at equal or greater rates than high school graduates. Native ABE needs more prominence and more funding; it should not always be an add-on.

- Native ABE needs to be staffed with culturally sensitive teachers and offer culturally relevant content. The most critical success factor for these programs is the degree to which they reflect the goals, needs, and values of the adults they serve.

- Native ABE programs should no longer be awarded on competitive grant bases. Funding must be stabilized to assured continuation of services. For the same reason, Native ABE program staff should have full-time positions and should receive benefits.

- Native ABE programs need to be offered in Native communities and should provide transportation and child care to increase their accessibility.

- Counseling and support services should be attached to ABE/GED programs to help students make life-decisions and select and complete employability programs.

Special Education, Chapter 1, and Other Special Services

- Native American students are overidentified for special education services and Chapter 1. Parents are ill-equipped to challenge school diagnoses and advocate for their own children. This issue needs to be better documented on a national basis. Advocacy programs need to be established to support parents and assure that their children's needs are accurately identified and served.

- Students who require special and remedial services must be assured access to free, appropriate education and the necessary support services.

- There is a great need for more special education teachers for Native children with disabilities. Very few Native teachers have this preparation.

- Speech therapists who work with Native children need to be trained to recognize local and regional dialects, so that Native children are not so often mistakenly referred for speech therapy.

Data Collection and Research

- A national database on Native education is sorely lacking and must be established. The federal government must take the initiative in funding the National Center for Education Statistics to provide this information.

- States must be encouraged to establish their own databases to regularly collect the information that will inform their own programs and support national data collection efforts.

- "Data equals power." Local education agencies (LEAs) are more responsive when Native leaders can present data to support their concerns about the academic status, performance outcomes, and disciplinary experience of Native students in their systems.

  - BIA and ED funding should be made available to help schools that serve large numbers of Native students establish and maintain comprehensive computer records, in order to improve tracking and bring Native education closer to the level of non-Native education.

  - LEA administrators involved in data collection for a dropout study in Montana found the effort well worth their time because of the useful information it provided them about their own districts and schools.

- Native American college and graduate students should be involved in research and data collection efforts.

- Increased funds should be made available to support other research in critical areas of Native education.

Recommendations for the Final INAR Report

- Native American people feel that the problems in Native education have been well defined and redefined. They are very tired of repeating the process of testifying before national hearings which identify problems and result in recommendations that only end up gathering dust on a shelf. There is nationwide concern that this effort must lead to changes that will make a difference.

  - The final report should stress a sense of urgency in carrying out recommendations.

- The Task Force must therefore be very concrete as it makes its recommendations. The problems are well known; therefore the report must deal in specific *actions* and *solutions* which lead to clearly defined, measurable *outcomes*.

- The final report must establish timelines (at three, five, and ten years) for key milestones.

PART VI - INDIAN NATIONS AT RISK TASK FORCE STUDY

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WHITE HOUSE CONFERENCE ON INDIAN EDUCATION

The most recent reauthorization of the Indian Education Act in 1988 (P.L. 100-297) included language allowing the President to call and conduct a White House Conference on Indian Education to, among other things, explore the feasibility of establishing an independent board of Indian education. The National Advisory Council on Indian Education fully supports the White House Conference and has made known what the Council expects from such an event. NACIE previously made mention of various topics for inclusion in the White House Conference in the NACIE 15th Annual Report to Congress. The list has been updated with recent issues and is shown starting on page 113.

Legal Authority for Conference:

Part E, Title V, Public Law 100-297, as amended by Public Law 100-427, Public Law 101-301 and H.R. 1281.

Authorization to Call Conference:

Section 5502 of Part E authorizes the President to call the White House Conference on Indian Education. It states "The President shall call and conduct a White House Conference on Indian Education which shall be held not earlier than a date 9 months after the date of the initial meeting of the Advisory Committee ... and not later than 12 months after the date of said meeting".

Date of the Conference:

The current authorizing legislation requires the Conference be held not earlier than 9 months after the date of the initial meeting of the Advisory Committee and not later than 12 months after the date of said meeting. President Bush has announced January 22-24, 1992 as the dates for the Conference.

Purpose of the Conference:

Section 5502 provides that the purpose shall be to (1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing federal programs relating to the education of Indians and (2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians.

Authorization for Appropriations:

Section 5508 of Part E, as amended by section 5(e)(3) of Public Law 101-301, provides the authority to be appropriated for each fiscal year 1990, 1991, and 1992 such sums as may be necessary to carry out this part and that such sums shall remain available until expended.

Staff of the White House Conference:

Section 5504 of Part 3, as amended by section 5(e)(1) of Public Law 101-301, provides that the conference shall be planned and conducted by the Interagency Task Force on the White House Conference on Indian

Education. The Task Force is to be established by the Secretary of the Interior and the Secretary of Education each appointing no less than two professional staff members and one support staff member to work on a full-time basis, housed in offices provided by the Secretary of the Interior. The Executive Director of the National Advisory Council on Indian Education is also a member of the Task Force but not on a full-time basis. Salaries of these staff people will continue to be paid by the respective department and not from sums appropriated under section 5508.

Advisory Committee:

Section 5506, as amended by section 5(e)(2) of Public Law 101-301, provides for an advisory committee consisting of 24 individuals, of whom 10 are appointed by the President and 5 designated by the Speaker of the House of Representatives and 5 designated by the President pro tempore of the Senate, the Assistant Secretary of the Interior for Indian Affairs or his delegate, the Secretary of Education or his delegate, the Director of the Task Force, and the Chairman of the National Advisory Council on Indian Education.

Participants of the Conference:

Section 5503 provides that the President, Speaker of the House of Representatives, and President pro tempore of the Senate each select one-third of the Conference participants. The selections must ensure that one-fourth of the participants be selected from each of the following categories: (1) individuals who are currently active educators on Indian reservations; (2) educators selected from urban areas with large concentrations of Indians; (3) individuals who are federal and tribal government officials; and (4) individuals who are Indians, including members of Indian tribes that are not recognized by the Federal Government.

Cost of the Conference:

The amount of $500,000 was appropriated for fiscal year 1990 to be available until expended. This amount was reduced to $493,000 by sequestration. An additional amount of $500,000 was appropriated for fiscal year 1991.

What NACIE Expects of the Conference:

In addition to the subject areas outlined in the law for the Conference to consider, the Council notes several more specific items that will or should be addressed by the Conference. These include, but are not limited to:

(1) Indian and Alaska Native educational data needs and any necessary uniform data to be required by federal agencies in all Indian/Alaska Native education-related applications for assistance;

(2) Education innovations which may better serve the needs of Indian students and research thereof;

(3) Whether the Bureau of Indian Affairs should continue to provide education services to elementary and secondary students and, if so, how

administrative costs at the central, area, and agency office levels can be reduced to get more of the funds to the students, including pass-through funds from the Department of Education (such as Chapter 1);

(4) Professional needs of Indian reservations and Indian and Alaska Native communities, including the expertise needed for economic development, and the targeting of federal scholarship and fellowship funds to better meet these needs as defined by the tribe or community;

(5) Adult education, including the states' responsibility in providing state administered federal adult education funds and state funds to tribes and communities;

(6) Vocational/technical education, including the states' responsibility in providing state administered federal vocational/technical education funds and state funds to tribes and communities;

(7) Supplanting of state funds with federal funds to serve Indian students and how to prevent such;

(8) Supplanting of federal funds with federal funds to serve Indian students and how to prevent such (for example, it is reported that school districts provide Indian students with Chapter 1 funds, thereby depriving Indian students of Chapter 1 services and supplanting federal funds with federal funds);

(9) Research and planning in the Indian education field;

(10) Early childhood education and the responsibilities of the tribes, federal agencies, and the states;

(11) Child care and the responsibilities of the tribes, federal agencies, and the states;

(12) Adequate funding for tribally controlled community colleges in the development of reservation community and human resources;

(13) Appropriate use of the tribally controlled college in the development of the reservation community and human resources;

(14) Library services for tribally controlled elementary and secondary schools and tribally controlled colleges, including cooperative agreements with state and local libraries and the Library of Congress;

(15) Identification of all Indian and Alaska Native generated federal and state funds, including state-administered federal funds, and coordination of efforts and dollars to maximize benefits to students and minimize administrative costs, whether or not an independent Board of Indian Education is established to assume responsibility for all existing federal programs relating to the education of Indians and Alaska Natives.

(16) Assurance that findings from the various Indian education initiatives, including NACIE Issue Sessions, NACIE/Indian Nations At Risk (INAR) Task Force Issue Sessions, INAR final report recommendations, and Bureau of Indian Affairs Mini-Summit recommendations are utilized in the White House Conference on Indian Education and in final policy enhancement and/or development decisions.

(17) Assurance that the White House Conference on Indian Education will seek reauthorization of the Indian Education Act which will expire in fiscal year 1993 and provide that the appropriate financial resources will be available to implement the needed changes as recommended in the Indian Nations At Risk Study.

(18) Assurance that proceedings from the White House Conference on Indian Education, which apply to Department of Education Office of Indian Education, are implemented in the reauthorization efforts of the Indian Education Act.

BUREAU OF INDIAN AFFAIRS
Mini-Summits, February - April, 1990

The Secretary of the Interior Manual Lujan, and Assistant Secretary of Indian Affairs, Dr. Eddie Brown, convened three (3) mini-summits on Indian education. The purpose of these summit meetings was to solicit input on four (4) proposed Indian education initiatives and to receive input from tribes, school board members, and educators on what they perceived to be the most pressing problems facing Indian education. Those four initiatives include: parental and community involvement; early childhood development; the elevation of expectations in Indian schools; and effective evaluation of schools, students, and teachers.

In November 1989, Dr. Eddie Brown sent a letter to all tribes, Bureau funded schools, teachers, and school administrators requesting their recommendations to address the previously mentioned concerns. The Office of Indian Education Programs received 185 replies which were then reviewed and summarized. The summary is attached on page 125.

The mini-summits were attended by 1,375 people. The summits were organized into "working groups" to address the initiatives or other areas of concern. As a result of the working groups' efforts, recommendations were developed and have subsequently been organized by topic and by specific summit conference.

The conferences pointed out the necessity to continue the communication started between the Bureau and its constituents. This mechanism provided the Bureau an opportunity to hear first hand the tribes' concerns and recommendations, as well as to open a dialogue for future discussions. The summits established a baseline to implement the 1991 initiatives; to plan for fiscal year 1992; and to pursue areas which need more review and consideration.

The mini-summits were held at three locations on the following dates:

- Southwest Summit Conference, Sante Fe, New Mexico February 12 - 13, 1990
- Northern Plains Education Conference, Rapid City, South Dakota, March 12 - 13, 1990
- Northwest Summit Education Conference, Spokane, Washington, April 17, 1990.

The following is a summary of the mini-summits held at the above listed locations between February and April 1990. The recommendations made by participants at each of the regional conferences are listed by educational area.

PART VIII - BUREAU OF INDIAN AFFAIRS MINI-SUMMITS

EVALUATION AND ACCOUNTABILITY SUMMARY

- Participants at the three summits indicated that all involved should be held accountable and be included in a monitoring and evaluation process. The process should review the accountability of the Congress, the Department of the Interior, the Bureau of Indian Affairs, the agencies and areas, the schools, the tribes, the parents and the students.

- The evaluation process should focus on positives as well as negatives. It should include multiple measures and should allow schools to provide some of their own evidence of assessment and be measured against the standards of their choice i.e., BIA, state, regional, etc.

- The evaluation/accountability process must be well defined and well planned, with administrators fully trained in the concept. The process must provide for appropriate follow-up and include acceptance of responsibility form improvement by the various levels of the system.

- The Bureau needs to restructure its school system to allow principals to become instructional leaders.

- Tribal governments and school boards need to develop local policies on evaluation and accountability, both for students as well as for faculty.

EFFECTIVE SCHOOLS SUMMARY

- If Bureau-funded schools are to become more effective, they will have to have adequate funding resources and the support and follow-up necessary to assist them in school improvement. The Bureau needs to demonstrate a commitment to the Effective Schools process and help to enact necessary change.

- The Effective Schools process must include all players and must include the educational program from birth through adult education. The educational program must provide for mental, physical, spiritual and cultural needs. Tribal governments must become more involved in developing a comprehensive program which better utilizes all resources.

- The Effective Schools program must not be evaluated on the basis of achievement tests alone. The process must provide for the flexibility necessary to meet local needs and to report local success. There needs to be a report on those schools presently in the Effective Schools program.

- The Effective Schools process is an outcomes based program. The achievement and learning levels of students is the goals of this process. Faculty must be trained to use a variety of instructional methodologies that will result in positive student outcomes.

POST-SECONDARY/ADULT EDUCATION SUMMARY

Higher Education

- Increase funding levels for higher education scholarships
- Remove higher education scholarships from the Indian priority system and distribute directly to Tribes or agencies
- Tribes need to receive administrative costs at least equal to BIA costs rather than taking from scholarship money
- Request Solicitor's opinion regarding impact of Zarr v Barlow regarding impact on scholarships
- Oppose Element 10 - BIA position elimination and the distribution formula

Adult Vocational Training

- Increase funding levels
- Remove the program from the Indian priority system
- Establish clear goals and responsibilities and merge with Adult Education
- Allow for part-time and short-tern training
- Allow tribes to set up special programs for training and not require certification, e.g., firefighting

Adult Education

- Clarify goals and definitions of adult education programs
- Increase funding levels

Tribal Colleges

- Increase funding to $4,000 per ISC
- Implement mechanics of the construction provisions of the Tribal College Act and budget funds for construction needs
- Allow for expansion of Tribal College to other reservations without reducing per student funding for the present colleges

Conclusion: There was an expression for the BIA and OIEP to support a White House Conference on Indian Education. There was a concern for lack of funding for programs, Operations and Maintenance, facility construction and repairs, adult education, graduate and undergraduate scholarships. There were requests for more and better involvement of the BIA, OIEP, and the post-secondary schools.

RESERVATION AND PUBLIC SCHOOL CONCERNS SUMMARY

- BIA should further clarify its trust responsibility for education and define the role of local agency offices in dealing with public schools
- Encourage Tribal Departments of Education to seek input from local public school districts

- BIA should help facilitate increased funding and delivery of funds from JOM, Title V, and Public Law 874
- Encourage tribal leadership to involve local school districts in developing academic accountability
- Determine and clarify the role of the tribe in creating educational change
- Establish or have local agencies promote coordination between educational systems operating on reservations
- Align curriculum between the various school systems operating on reservations
- Better communication and coordination between education entities regarding student mobility and tracking for students, records, etc.

Conclusions: Communication and coordination between the private, public and tribal education entities and systems is needed. OIEP can play an important role by working with the various school systems on the reservation. Public schools want to be involved.

EARLY CHILDHOOD EDUCATION AND PARENT/COMMUNITY INVOLVEMENT SUMMARY

- Meet the needs of the whole child
- Coordinate all the available resources within a given community
- Develop an appropriate, culturally relevant curriculum
- Recruit qualified and positive staff to implement the curriculum
- Extensive training for parents, foster parents, teachers, and community
- Multi-year forward funding, with flexible budgets, including money for transportation and training
- Stress Literacy
- Communication--including newspapers and newsletters
- Safe and healthy environment
- Address the need for protection of children from sexual abuse, child abuse, and alcohol abuse
- Provide for social and health needs
- Priority given to locations with no preschool services
- Most importantly, to create a meaningful parent involvement effort which; eliminates bureaucratic restrictions placed on classroom volunteers; provides a well-designed training program for parents and community members; and increases the communication between teachers and parents through visits and other structured activities.

TEACHER RECRUITMENT AND TRAINING SUMMARY

- Training that will produce more Indian teachers and counselors
- Training of teachers in specialty areas such as: handicapped education; gifted and talented; tribal culture; bilingual education; and learning styles
- Tribal colleges should be involved in training and recruitment of teachers
- Development of tribal and bilingual education curriculum
- Implementation of competency testing models for teachers and students

- Providing technical assistance for two-year tribal colleges to explore the feasibility of four-year degree programs
- Providing job placement services for Native American teachers
- Recruit motivated, energetic and dedicated teachers who will be positive role models
- Pay salaries and fringe benefits that will attract good teachers
- Provide teacher incentives that include professional growth, merit plans, and continuing education to move up salary scales
- Identify exemplary programs within each respective school system
- Active recruitment of high school students into the teaching profession
- Public relations activities to attract attention to the teaching field
- Improving state universities' teacher preparation programs to include Native American or cross-cultural courses as part of teacher preparation, and as a recruitment for full certification
- Using non-traditional recruiting sources such as: returning Peace Corps volunteers and VISTA volunteers
- Offer free or minimal cost housing
- Offering "reenlistment bonuses to teachers who accept multiple-year contract renewal
- BIA needs to develop a national recruitment plan to fill education positions

OPEN FORUM SUMMARY

Southwest Open Forum

- Formula funding (ISEP) needs to be increased
- Operation and maintenance of school facilities needs to come under the jurisdiction of education
- Community (economic) development and health care are integral to the success of the 1991 initiatives
- Schools need funds for libraries, supplies, and text books
- Need for improved roads
- Forward fund education programs
- The Effective Schools process needs to be implemented in all Bureau-funded schools

Northern Plains Open Forum

- The education budget, especially for ISEP, needs to be increased
- A second student count needs to be conducted each year because students transfer from one school to another, especially after Christmas
- The Draft BIA Education Report needs to be reviewed by educators in the field
- The White House Conference on Indian Education needs to be supported
- Tribes need to be consulted on the budget on an on-going basis
- Concern over the Element 10 budget cuts which needs to be addressed in future budget requests

Northwest Open Forum

- Re-estimate student enrollment for FY 91 and 92 at a level indicative of national trends
- Correlate the funding base relative to a percentage increase consistent with enrollment increases
- Replace rhetoric with action
- Increase the funding for drug and alcohol prevention from the previous year
- Develop programs and strategies needed to ensure positive intervention and prevention
- Redefine the make up of work groups to be truly representative of all areas of the nation
- Increase the request for Johnson O'Malley programs
- Institute forward funding for JOM
- Provide technical assistance to JOM programs
- Formalize an interagency coordinating council to serve Indian children with handicaps (birth through 2) and meet at least on a quarterly basis
- Provide a position at Central Office solely for Part H activities
- Finalize inter-agency agreement with Indian Health Service to serve handicapped Indian children from birth through age two
- Make the BIA the lead agency in securing services for unserved handicapped Indian students
- Amend the Memorandum of Understanding with Department of Education to provide for utilization of Chapter I funds for technical assistance
- Establish regional technical assistance centers for Chapter 1
- Reassess the impact of the Element 10 cuts and its effect on programs and tribes
- Establish interagency agreements with Indian Health Service and Indian Head Start Agencies
- Organize required task force to consult with tribes, as required by 100-297, before any new administrative cost formulas are developed or implemented
- Ensure that current and future levels of funding reflect the needs of the tribes as determined by the tribes
- Hold special meetings for off-reservation boarding schools (ORBS)
- Initiate college preparatory concept
- Provide law enforcement services
- Provide new school buses
- Fund tribal departments of education

Conclusion: The open sessions at all conferences had similar concerns over the budget. This translates into concerns over the ISEP program to the need for better roads and facilities. The other program issues, such as the White House Conference on Indian Education and the BIA Draft Report on Indian Education, were reflected in other work group sessions. The basic funding formula and the issue of facilities needs to be addressed as they are crucial to the success of the 1991 initiatives. The Johnson O'Malley program budget was also of concern. The group recommendations were for forward funding and increased funding. There was also a concern about fetal alcohol syndrome and the need to address this area especially in ages 0-2.

SERVICES FOR AT-RISK STUDENTS SUMMARY

- Community "At-Risk" outreach sponsored by all government agencies
- Legislation and funding proposals should concentrate on developing services to rehabilitate the at-risk family
- Develop a total community effort to stop substance abuse
- Specific discretionary programs for at-risk students should integrate education, counseling, and treatment of identified mental or emotional problems
- Retain parents as a forum of decision makers
- Make alcohol illegal on reservations
- Assess community resources
- Reclaim identity
- Provide positive school climate
- Teach discipline
- Vocational education on the reservation
- Develop tribal treatment facilities
- Schedule conference for all tribal leaders
- Develop after care for youth
- Conduct prevention training
- Emphasize culture/values/self-esteem
- Utilize positive reinforcement methods

SCHOOL FACILITIES

Concern 1:

- Jurisdictional issues between local school administrators and facility management supervisors involving maintenance personnel.
- No immediate access to maintenance personnel at the local level due to supervisory authority.
- Supervisory personnel are typically far removed from local situations which inhibits immediate response to local issues. General lack of control. Workload of maintenance staff is not proportionate to expectations of school.

Recommendations:

- Place school maintenance/custodial staff under supervision of school authority where workload is school related
- Localize school funding and have schools hire their own staff

Concern 2:

- Lack of communication, cooperation, involvement, and consultation at all levels between Education, Facilities Management, School Boards, and Area Agencies.

- Local school administrators are not involved in planning, design activities that involve the facilities in which they operate their programs.
- Organizational structure precludes cooperative efforts
- Lack of knowledge of functions/responsibilities of BIA staff at various organizational levels.
- Little or no knowledge of how facilities funds are being utilized at the local level. Funds are shifted from one location to another without consultation.

Recommendations:

- Maximize involvement of all functions when making policy or implementing decisions
- Develop training for education personnel and school boards identifying roles, responsibilities and authority
- Make allottees responsible for fiscal accountability to users
- Evaluate organizational structure and operational procedures
- Re-establish school facilities section within Facilities Management and Construction Center (FMCC), and transfer to education

Concern 3:

- Lack of facilities to meet local needs
- School lack adequate classroom space for unhoused students
- Lack of quarters for school personnel. Quarters are substandard, rent is high, and local administrators do not always have jurisdiction of assignment.

Recommendations:

- Present in the budget process, a line item designated as a contingency fund for the purchase of modular facilities, not only for current overcrowding conditions, but also for the replacement of current substandard modular units until new construction can be secured.
- Identify in a long range planning process where quarters are needed and request funding.
- Bring all quarters up to standards
- Resolve the jurisdictional issue by assigning the responsibility of quarters up to standards

Concern 4:

- Facilities need to be brought up to health and safety standards to meet compliance with educational criteria
- Many schools are old, and located in facilities that were not originally built as schools
- Preventative maintenance is not conducted leading to deterioration of buildings and equipment
- Handicapped accessibility standards must be met

Recommendations:

- Prevent the rate of deterioration of buildings and their integral systems and equipment through a mandatory preventative maintenance program.

- Enhance facilities utilization to meet health, safety, and education criteria by allocating additional resources to major repair, renovation, and alteration of facilities.
- Establish alternatives and phase-in Facilities Improvements and Repair (FI&I) projects if total project funding is not available at one time.

Concern 5:

- Inadequate funding does not permit the backlog of new school construction projects to begin
- There is no integrity in the school construction priority listing process

Recommendations:

- Identify short and long range construction needs and include in justification and budget requests
- Once construction priority lists are established, schools not funded in the current budget year advance to the top priority in the next cycle instead of having to compete in the priority process all over again.
- Include education personnel in the priority setting process

Concern 6:

- Facilities inventory lists needs to be updated and verified.
- Local supervisors do not know who is responsible for updating the inventory, encoding into the system or how to go about getting it done.
- Some individuals do not know how the Operations and Maintenance funds are generated.

Recommendations:

- Develop and implement ways of maintaining regular contact with all organizational levels to maximize effective communication.
- Develop procedures defining responsibility of subordinates and delegate required authority.
- Evaluate organization performance in terms of quality of work, effectiveness, efficiency, and define and implement required corrective action.

ISEP FUNDING FORMULA SUMMARY

Concern 1:

- ISEP System is underfunded
- Teacher and professional salaries are not competitive nor attractive enough when compared to public schools
- Cost of Living Adjustments (COLAs) should be built into the system
- BIA should pay same costs or increases to contract/grant schools as it pays its teachers
- Spending should be more flexible. Shortages in ISEP funding has caused schools to not expend funds in a timely or efficient manner.
- There should be an allowance for a mid-year adjustment in the student count so that a more accurate count can be documented.

Recommendations:

- Increase funding for ISEP formula
- BIA should initiate its own purchasing system within OIEP. Present BIA system is too cumbersome and costly.
- Financing of Indian education should be based more on a rational needs

BIA-OPERATED SCHOOL PERSONNEL ISSUES SUMMARY

Concerns:

- Lack of understanding of personnel procedures

Recommendations:

- Each Agency/Area education line office should establish a policy concerning receipt and disposition of applications.
- BIA should require at least six hours in American Indian studies for all teacher/counselor positions. Three hours would be specific to the tribes being served.
- All teachers should be required to receive training in alcohol and substance abuse.
- School Boards should be involved in the evaluation of all personnel at Area/Agency levels, not just education positions.
- To allow for and improve consistency, conduct bureau-wide training on the revised 62 BIAM 11.
- IHS should provide drug testing for employees

ANALYSIS OF TRIBAL LEADER'S LETTERS

In November of 1989, Assistant Secretary Dr. Eddie Brown requested input from tribal leaders for suggestions and comments on ways to improve Indian education within the Bureau of Indian Affairs. 185 responses were received from various tribal leaders. The following lists in order of priority, the concerns expressed by these tribal leaders. The concerns provided here are to be incorporated into future programs within the Bureau's Office of Indian Education beginning in fiscal years 1991 and 1992.

Parental Involvement

Sixty-eight percent of the respondents stressed the need for greater parental involvement. Parents need to know and support what their children are doing in school. They also need to be educated so they can help their children. Parents need to keep their children in school and provide role modeling for their children.

Counseling

Sixty percent of the respondents were very emphatic about the need for more and better trained counselors. They felt that with so many alcohol/drug problems and dysfunctional families that students are at a great disadvantage for learning the necessary skills.

Cultural Relevance

Fifty-six percent of respondents indicated that schools needed to be more sensitive to the culture of the student and need to incorporate Indian culture into the curriculum, especially to improve self-esteem in Indian students.

Indian Teachers

Forty-eight percent of respondents expressed a deep concern about having more Indian teachers in BIA schools. They expressed a desire for teachers who are culturally sensitive. Some went as far to say that teachers should be required to take culturally relevant courses before being allowed to teach their students. They felt that good Indian teachers would be excellent role models.

Lack of Money

Forty-four percent of respondents stated that more funds would make a big difference in the quality of education. More money would allow schools to hire and keep good teachers and administrators. Salaries at Bureau-operated schools are lower than surrounding schools and competing for quality teachers is difficult. Forward funding should be implemented as soon as possible. It is difficult to start school in August when you do not receive a budget until January. Forward funding would alleviate this problem.

Early Childhood

Forty percent of respondents stated early childhood was critical to the education of children. There should be continuity in education from birth through graduation. Early childhood programs would better prepare students for school.

Improved Instruction

Forty percent of respondents wanted schools to upgrade curriculum and enforce academic proficiency. Students should be able to think analytically and solve problems. Teachers should expect more from students by demanding excellence.

Teachers with High Expectations

Thirty-two percent of respondents were critical or teachers who think Indian children can't learn. They want teachers to expect the best and ensure that students perform up to their capabilities.

PART VIII - BUREAU OF INDIAN AFFAIRS MINI-SUMMITS

Dropout Prevention

Twenty-four percent of respondents indicated a need for improved discipline codes in Indian schools.

Improved Discipline

Twenty-four percent of respondents indicated a need for improved discipline codes in Indian schools.

Vocational Education

Twenty percent of respondents indicated a need for vocational education in high schools so that students who do not go on to college can get jobs.

Rewards for Achievement

Twenty percent of respondents indicated a need for Indian schools to recognize academic achievement and other successes of students and to recognize successful programs and teachers.

Improved Administration

Twenty percent of respondents indicated a need for educational administrators who are competent instructional leaders.

Improved Assessment Measures

Twenty percent of respondents indicated a need to find better ways to assess the achievement of Indian students other than standardized achievement tests.

Increase Student Motivation

Sixteen percent of respondents indicated a need for improving student attitude toward school and increasing motivation so they will want to attend and learn.

Higher Education

Sixteen percent of respondents indicated a need for increasing motivation so they can better meet the needs of Indian people.

Paperwork Reduction

Sixteen percent of respondents indicated that Indian schools require too much paperwork which interferes with providing quality educational services.

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NACIE FY 1990 RECOMMENDATIONS

NACIE FY 1990 RECOMMENDATIONS

The Recommendations of the National Advisory Council on Indian Education to the Congress of the United States and to the Department of Education and the current Administration are as follows:

1. The Office of Indian Education (OIE) should be reestablished as an independent division within the structure of the United States Department of Education, and the Director of OIE should be upgraded to an Assistant Secretary who shall report directly to the Secretary of Education.

2. NACIE, the Department of Education and the Congress should review the findings and recommendations once the Indian Nations at Risk Task Force study is completed. NACIE will forward it's recommendations with respect to those deemed appropriate and administratively feasible for the improvement of educational opportunities for Indian people. Inclusive of this will be recommendations for the implementation of new programs in pre-school, postsecondary, and adult education which will substantially improve the educational status of American Indians and Alaska Natives and/or additional funding requirements for improvement of existing services.

3. The Congress should provide additional funds for the operation of all Indian Technical Assistance Centers in the Office of Indian Education. This should be done to accommodate the addition of a sixth Center in FY 1991 and to provide additional resources for the Centers to accomplish the goals of the Office of Indian Education.

4. The Department of Education should review the criteria used in awarding points to Indian fellowship applicants during the review process and change the category of commitment to demonstrated commitment and increase the allowable points from 10 to 20. The category of leadership should likewise increase from 10 points to 20. The 80 points currently awarded for academic merit should be decreased to 60 to accommodate this change. This would insure that only those applicants who are truly committed to serving Indian communities once their degrees are completed will receive what limited funds are available.

5. The Office of Indian Education should focus on the preparation and training of American Indian teachers, especially in areas where schools have difficulty in recruiting and retaining teachers.

6. The Office of Indian Education should implement Subpart 1 provisions that authorize planning and demonstration programs.

7. The Office of Indian Education should establish a national Research and Development Center.

8. The Department of Education and the Congress should increase funding in all discretionary grant programs within the Office of Indian Education programs. In FY 1989, 24 percent of all applications received were funded and in FY 1990 46 percent were awarded. The increase in percentage of applications awarded is misleading due to the decrease in the number of applications received. The number of applications received in 1990 was 674 compared to 1,024 in FY 89 for all discretionary grant programs. General comments from the field indicate that Indian communities and organizations feel the discretionary nature of the funding process is too competitive, time consuming, and not adequately funded to justify the time spent in writing grant proposals.

9. The Office of Indian Education should fund two Gifted and Talented Centers in addition to the currently funded pilot project at Turtle Mountain Community College. Current legislative authority (P.L. 100-297, Title V, sec. 5324) provides that 2 centers for gifted and talented Indian students at tribally controlled community colleges will be established.

10. The Congress should enforce the matching requirement of the Carl D. Perkins Vocational Act Set-Aside for Indian Tribes and Tribal Organizations which authorizes the Bureau of Indian Affairs to expend an amount equal to that expended by the Department of Education. Since 1977 the Bureau of Indian Affairs has successfully obtained Congressional waivers to match Department of Education appropriations for this program. Should the Congress continue to grant waivers to the Bureau of Indian Affairs, the legislation should be amended to relieve the Bureau of Indian Affairs of such financial commitments and the appropriation should be increased to allow for the full intent of the law to be met by the Department of Education.

11. The Congress should amend the Carl D. Perkins Vocational and Applied Technology Education Act amendments of 1990, P.L. 101-392, to allow participants under the Indian and Hawaiian Natives Program to receive stipends as in the previous Act.

12. Legislation should be enacted which would require states to report data on the number of American Indians and Alaska Natives participating in K-12 programs by grade, as well as, those participating in Postsecondary and Adult education programs. This should include all state programs funded with federal dollars i.e., Adult and Vocational Education, Higher Education, and all public schools within the state receiving any federal funds for operations.

13. The Congress should consider incorporating those findings and recommendations of the Indian Nations At Risk Task Force Study and the proceedings from the White House Conference on Indian Education, that are specific to Department of Education programs for American Indians and Alaska Natives, into the reauthorization package of the Indian Education Act. The Indian Education Act is currently authorized until October of 1993.

14. The Department of Education and Congress should take into consideration the inflationary factors in the value of the dollar and base future funding for Indian education programs on constant dollar calculations. Even though appropriations for most Indian education programs have generally increased, when compared in constant dollar amounts, the budget for Indian education programs have actually decreased.

15. The proceedings and recommendations from the White House Conference on Libraries and Information Services, pertaining to the needs of library services for Indian tribes, should be implemented to the extent possible in those Department of Education programs which affect American Indians and Alaska Natives.

16. Head Start legislation should be amended to allow American Indian and Alaska Native families to participate in the program without regard to income guidelines. The benefits of the program have a lasting effect on the developmental capabilities of all children and no one should be discouraged from participating simply because of their income.

17. The Department of Education should implement current authority and conduct a national assessment of the unique adult education and vocational education needs of American Indians and Alaska Natives. This would serve the purpose of coordinating training programs to reflect the work force needs of tribal communities. [A study was conducted over a three-year period from 1977-80, but the findings were never commented on by the Department of Education.]

18. The Department of Education should assess the professional development needs of Indian and Alaska Native people based on their economic development plans, tribal government needs, health care needs, and teacher needs. This would target priority fields of study with scholarship and fellowship programs at the graduate/professional level and allow for immediate placement of graduates with available jobs in American Indian and Alaska Native communities.

19. The Department of Education should spearhead an initiative coordinating existing federal programs designed to benefit American Indians and Alaska Natives to better address the interrelated education and social needs of the whole person. Specifically, the Secretaries of Labor, Education, and Health and Human Services should coordinate programs so that training and/or service programs meet the multitude of needs of all Individuals.

20. The Department of Education Personnel Office and the Office of Indian Education (OIE) should continually work to implement the Indian preference provisions authorized in Public Law 100-297 in all personnel actions within OIE. Non-Indian preference provisions should be instituted as well.

APPENDICES

APPENDIX A

National Advisory Council on Indian Education

FULL COUNCIL AND COMMITTEE MEETINGS

The following is a list of meetings held by the National Advisory Council on Indian Education. A schedule and proposed agenda of each meeting was published in the Federal Register in accordance with the Federal Advisory Committee Act. A summary of the activities of the closed and partially closed meetings and related matters which are informative to the public, consistent with the policy of title 5 U.S.C. 552b, was made available to the public with in 14 days of each meeting.

DATES AND PLACES OF MEETINGS

October 7-12, 1989 (Open meeting)
Full Council Meeting
Anchorage, Alaska

The National Advisory Council on Indian Education (NACIE) met on October 7-11, 1989 in conjunction with the Twenty-first Annual National Indian Education Association (NIEA) Conference in Anchorage, Alaska. Secretary of Education, Lauro F. Cavazos, spoke at the first assembly of the NIEA Conference, and announced the Indian Nation's At Risk (INAR) Task Force to study and asses the state of Indian education.

Council members participated in an ambitious agenda which included NIEA scheduled events and NACIE issues sessions throughout the week. The Council held five 2-hour sessions with Indian and Alaska Native educators who provided special insight into the issues, problems, and successes in the education of native people. Issues sessions addressed Indian education concerns in the following areas: Public School Elementary and Secondary Education; Bureau of Indian Affairs and Tribal Schools; Tribal Colleges; Adult Education and Vocational-Technical Education; and Higher Education and Scholarships.

Organizational and general business meetings were conducted by the Council on October 7 and October 11 to hear reports from the Executive Director and the Chairman, and to elect officers and committee members for the new fiscal year. Furthermore, the NACIE School Quality Control Committee and interested Council members conducted site visits to schools in Anchorage, Bethel and Cherfornak, Alaska.

February 22-24, 1990 (Partially closed meeting)
Search Committee/Full Council Meeting
Washington, D.C.

(Closed session)
The Council is required under section 5342(b)(6) of the Indian Education Act of 1988 to submit to the Secretary of Education a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in the position occurs. A closed session of the Executive Search Council was held to conduct business related to this requirement.

The Committee met on February 22, 1990 to review applications of candidates and prepare questions and guidelines to be used in interviews. The following day the Council met in closed session to interview candidates for the position, and develop the Council's list of nominees to be submitted to the Secretary of Education.

(Open session)
On February 24, 1990, the full Council held an open session to discuss general business of the Council. Staff reports were presented on the Administration's fiscal year 1991 Budget Request for Indian Education, and the International Conference on Children and Youth At-Risk. The Council also heard reports from the Office of Vocational and Adult Education, U.S. Department of Education and the Bureau of Indian Affairs, Office of Indian Education. Finally, the Council considered recommendations to be included in the fiscal year 1989 annual report to Congress.

April 2-4, 1990 (Closed meeting)
Proposal Review Committee Meeting
Washington, D.C.

The Proposal Review Committee of the National Advisory Council on Indian Education met April 2-4, 1990 to review the grant applications for discretionary awards under the programs authorized by Subparts 1, 2, and 3 of the Indian Education Act. The Committee was delegated authority by the full Council to act on its behalf in the application review process. Each Council member attending the Committee meeting signed a certification attesting to the absence of a conflict of interest.

The Committee reviewed grant applications for: (1) Discretionary Grants to Indian-Controlled Schools; (2) Planning, Pilot, and Demonstration Projects; (3) Educational Services Projects; and (4) Educational Services for Indian Adults. The Council drafted detailed recommendations on individual applications, and supported a recommendation to award or not award projects with specific details and criterion. Recommendations formulated at the meeting were officially submitted to the Secretary of Education, Lauro F. Cavazos on April 27, 1990. The

National Advisory Council on Indian Education received no official response on the recommendation's submitted.

April 23-24, 1990 (Closed meeting)
Proposal Review Committee Meeting
Washington, D.C.

Pursuant to section 5342(b)(2) of Part C, Title V, Public Law 100-297, the Indian Education Act of 1988, the Proposal Review Committee met April 23-24, 1990 in closed session to review grant applications for assistance submitted to the Indian Fellowship Program authorized by Subpart 2 of the Indian Education Act. The Committee was delegated authority by the full Council to act on its behalf in the application review process.

Detailed evaluations of individual applications were conducted and the Council's observations on improving the Indian Fellowship Program application and funding process were discussed. Final recommendations regarding approval of applications for funding were subsequently submitted to the Secretary of Education on May 31, 1990. The Department of Education did not respond to the recommendations.

August 30-31, 1990 (Partially closed meeting)
Executive Committee Meeting
Washington, D.C.

(Closed session)
The morning session of the Executive Committee meeting on August 30, 1990 was closed for the purpose of discussing the performance evaluation of the Executive Director and other issues strictly related to executive personnel. The remainder of the meeting was an open session to hear reports by staff and representatives of other agencies.

(Open session)
In the afternoon, an open session was held to brief the Council members on the following items: (1) the Executive Director's report; (2) the White House Conference on Indian Education Activities, and; (3) the Indian Nations at Risk Task Force activities. The following day the Executive Director reported on the NACIE fiscal year 1990 current budget, the NACIE fiscal year 1991 revised budget, and the NACIE fiscal year 1992 proposed budget. In addition, a staff report was given on the interagency group meetings held on various Indian related issues within different federal agencies.

September 17-18, 1990 (Partially closed meeting)
Full Council Meeting
Washington, D.C.

(Open session)
The full Council met September 17, 1990 in an open session to discuss the Executive Director's report and the fiscal year 1990 budget report. A report on the Indian Nations at Risk Task Force was given by Alan Ginsburg, the Executive Director of INAR, followed by a staff report on the White House Conference on Indian Education planning activities, and a discussion on pressing Indian Education issues.

The following day an open session was held in the morning to plan Council activities for fiscal year 1991, and to plan the agenda of the full Council meeting in October 1990. The Associate Counsel for the House Education and Labor Committee was present to a report on legislation affecting Indian education, and Director of the Interdepartmental Indian Education Committee reported on Committee activities. Also, the Assistant Secretary for Elementary and Secondary Education met briefly with the Council.

(Closed session)
In the afternoon, a closed session was held to discuss issues solely related to executive personnel.

APPENDIX B - PROFILE OF PROGRAMS BENEFITING AMERICAN INDIAN/ALASKA NATIVE STUDENTS - FISCAL YEAR 1990

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Dr. John W. Tippeconnic III Office of Indian Education Office of Elementary & Secondary Education. U.S. Dept. of Education 400 Maryland Avenue S.W. Room 2177 Washington, DC 20202-6138 202/401-1887	Total: **$ 73,620,000** Subpart 1 **$ 50,825,000** 1-ICS **$ 3,451,000** Subpart 2 **$ 12,557,000** Subpart 3 **$ 4,078,000** Admin. **$ 2,709,000** Number of programs: 1,379 Students: Total 352,641 Subpart 1 333,494 1-ICS 4,781 Subpart 2 9,958 Fellowships 128 Subpart 3 4,280	o BIA schools are eligible, as Local Educational Agencies, for Subpart 1 grants. o Indian preference in OIE being implemented and expanded. o Received 431 applications for fellowship program; funded 69 continuation fellowships and 59 new fellowships in FY 1990. o Subpart 1 is formula grants; Subpart 1-ICS is discretionary grants to Indian controlled schools; Subpart 2 is for Indian children and resource and evaluation centers; Subpart 3 is for Indian adults.
Charles E. Hansen, Director Impact Aid Program U.S. Dept. of Education 400 Maryland Avenue S.W. Room 2077 Washington, DC 20202-6244 202/401-3637	P.L. 81-874, Section 3: **$243,690,065** Payments to local educational agencies (LEAs) providing a free public education to children who reside on Indian lands Number of students: 109,280 (computed as "average daily attendance")	o P.L. 81-874 authorizes assistance to LEAs providing free public education to children residing on Indian lands or with a parent who resides or works on Federal property or is on active duty in the uniformed service. o Pursuant to section 5(b)(3) of the law and the regulations found at 34 CFR 223, an LEA claiming assistance for Indian lands children must have a set of Indian policies and procedures which provide tribal leaders and parents of Indian/Native Alaskan children with opportunities to comment on and participate in the educational programs. o LEAs are **not** required to spend these funds exclusively for Indian children or for special programs for Indian children.

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENT	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Willia Patterson Impact Aid - Construction U.S. Dept. of Education 400 Maryland Avenue S.W. Room 2117 Washington, DC 20202-6244 202/401-0660	P.L. 81-815: **$ 11,798,215** American Indian/Alaska Native students: 775 Total students: 1,200 Total funding authority: **$ 14,998,000** Number of projects: 6	o Direct grants to school districts serving children who reside on Indian lands for construction or renovation of minimum school facilities.
Harvey G. Thiel Indian Vocational Education Program Office of Adult and Vocational Education U.S. Dept. of Education 330 C Street S.W. Room 4512 Washington, DC 20202-7242 202/732-2380	1.25% set-aside: **$ 12,622,000** Projects funded: 38 Indians served: 2,300 (An Approximation)	o The Carl Perkins Vocational and Applied Technology Amendments of 1990 maintains the 1.25% allocation for Tribes and adds BIA operated schools as eligible applicants. o Act provides $3.6 million for two Indian higher educational vocational education institutions.
Edward Hofler Indian Tribes & Organizations Program Vocational Rehabilitation U.S. Dept. of Education 330 C Street S.W. Room 3318 Washington, DC 20202-2740 202/732-1332	.25 % set-aside: **$ 3,821,000** Number of clients: 3,000 (An Approximation) in 14 projects (4 new/10 continuation)	o Set-aside service grants to tribes to provide vocational rehabilitation services to handicapped clients living on federal and state reservations. o This program is authorized by Part D, Section 130, of the Rehabilitation Act of 1973, as amended. The Act was most recently amended by P.L. 99-506 and P.L. 100-630, and is to be considered for reauthorization by 1991.
Dr. Argelia Velez-Rodriguez Minority Science Improvement Program Office of Postsecondary Ed. U.S. Dept. of Education 7th & D Streets S.W. Room 3022 Washington, DC 20202-5251 202/708-4662	Total: **$ 803,106** Number of students served: 1500 Number of projects funded: 5	o Discretionary grants to improve science and engineering education programs at minority institutions. The total amount reflects funds going to predominantly Indian/Alaska Native institutions. Program funding level was $5,416,000.

APPENDIX B - PROFILE OF PROGRAMS BENEFITING AMERICAN INDIAN/ALASKA NATIVE STUDENTS - FISCAL YEAR 1990

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENT	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Caroline J. Gillin Institutional Aid U.S. Dept. of Education 400 Maryland Avenue S.W. Room 3042, ROB 3 Washington, DC 20202-5335 202/708-8839	Total: $ 6,585,342 Number of institutions: 16	o Discretionary and endowment grants to develop institutional self-sufficiency; total funds reflect amounts going to predominantly Indian institutions.
D'Alan Huff Division of State & Local Programs Office of Bilingual Education U.S. Dept. of Education 330 C Street S.W. Room 5609 Washington, DC 20202-6510 202/732-5700	Special Alternative Instructional Programs Indian included but not exclusive: $ 4,943,658 Number of students: 1934 (48 programs in 18 states) Educational Personnel Training Programs: $ 1,438,288 (serving 204 trainees in 9 projects)	o Information on Indian Exclusive programs for FY 90 was not available from OBEMLA. o The figures reflect the Special Alternative Instructional Programs which serve Native American students of limited English proficiency (LEP). o In addition to the Division of State and Local Programs, Indian students also benefitted from OBEMLA's Division of National Programs. In FY 1990, these programs were: Academic Excellence Program $ 421,955 (2 projects) Family English Literacy Program $ 642,222 (5 projects) Special Populations Program $ 1,412,099 (10 projects serving 1,775 limited English proficient students) Short-Term Training Program $ 121,615 (1 project)
Beth Fine Library Services for Indian Tribes U.S. Dept. of Education 555 New Jersey Avenue N.W. Washington, DC 20208-5571 202/219-1323	Total: $ 2,419,120 Indian Tribes: $ 1,814,340 Basic (172 Grants): $ 631,783 Special (13 Grants): $ 1,182,557 Hawaiian (1 Grant): $ 604,780	o Direct grants to Indian tribes, Alaska Native villages, and Hawaiian Natives for the provision of public library services. o Library Services and Construction Act was reauthorized in fiscal year 1990. o 2.0% set-aside of LSCA Titles I, II, and III.

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Sharon Lynn Chapter 1 Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 524 Washington, DC 20245 (202/208-6364)	1% Set-Aside: $ 27,344,592 Number of students: 15,998	o For use at BIA-operated and contracted schools, this program provides compensation (supplemental) education services to disadvantaged children. o 27 school wide projects o 59 schools eligible for program improvement
Goodwin K. Cobb, III Education of the Handicapped Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 511 Washington, DC 20240 (202)/208-6675	P.L. 94-142 1.25% Set-Aside: $ 19,034,529 Number of students: 6,308	o Provides supplemental funding for special education and related services to handicapped Indian children ages 0-21 years. o Includes funds from "Program for Infants & Toddlers with Handicaps - Part H of the Education for the Handicapped Program."
William Mehojah Math & Science Education Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 521 Washington, DC 20240 202/219-1127	0.5% Set-Aside: $ 686,660	o Provides training for math and science teachers.
William Mehojah Drug-Free Schools & Communities Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 521 Washington, DC 20240 202/219-1127	1.0% Set-Aside: $ 5,332,000	o For alcohol and drug abuse prevention program for children served by the BIA.

APPENDIX B - PROFILE OF PROGRAMS BENEFITING AMERICAN INDIAN/ALASKA NATIVE STUDENTS - FISCAL YEAR 1990

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Joy Martin ISEP Formula & Adjustments Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 511 Washington, DC 20240 202/208-4555	Total: **$176,052,000** Total students: 39,791 in 23 states BIA operated: 25,695 BIA Contract: 14,096	o In FY 1990, the BIA will operate either directly or by contract, about 166 elementary and secondary schools and 14 dormitories. o In FY 1990, 43% of all BIA-funded schools were contracted to tribes and 7 schools operated under formal cooperative agreements with public schools.
Goodwin K. Cobb, III Institutionalized Handicapped Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 523 Washington, DC 20240 202/208-6675	P.L. 91-142: **$ 689,500** Number of students: 215 Approved for: **$ 3,382,000** Included Social Services	o Program typically provides education and related services to severely handicapped and mentally fragile children between the ages of 5-21 years. o Children are served in 25 private facilities, 2 tribal institutions, and 3 state institutions.
William Mehojah School Boards Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 521 Washington, DC 20240 202/219-1127	Total: **$ 1,183,200** National training (0.133% of ISEP) **$ 227,000** BIA schools with less than 168 WSU's **$ 548,200** for the $4,000 or 2% which ever is less **$ 408,000**	o To facilitate Indian control of all matters relating to education, P.L. 95-561 directed Indian school boards be involved in local educational planning and decision making. o FY 1990 school board expenses included: (1) travel, per diem, stipends, and other costs for meetings; (2) fees for membership in school board associations; and (3) legal fees. o FY 1990 funds for school boards were transferred to ISEP formula in accordance with P.L. 100-297, which authorizes a set-aside rather than direct funding.

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Joy Martin Student Transportation Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3530-MIB Code 511 Washington, DC 20240 202/219-4555	Total: $ 12,489,000	o Funding includes service costs for vehicle operators, GSA vehicle rental, supplies and equipment, maintenance, and repair and other support costs.
Joy Martin Solo Parent Program Bureau of Indian Affairs U.S. Department of Interior 1849 C Street, N.W. MS #3530-MIB, Code 511 Washington, DC 20240 202/208-4555	Total: $ 131,000	o Operated at Sherman Indian School and Flandreau Indian School to provide single parents the opportunity to complete their high school educations while living at the school with their children.
Joe Christie Technical Support Bureau of Indian Affairs U.S. Department of Interior 1849 C Street, N.W. MS #3530-Mib, Code 501 Washington, DC 20240 202/208-6175	Total: $ 6,990,000 Area/Agency Office: $ 6,670,000 MIS $ 320,000	o Includes educational Management Information System (MIS) activities; field level staff assistance to the Director, Office of Indian Education Programs; and broad technical assistance and leadership for all education programs to local school boards, other tribal members, parents, and other Indian citizens.
William Mehojah Substance/Alcohol Abuse Education Program Bureau of Indian Affairs U.S. Department of Interior 1849 C Street, N.W. MS #3530-MIB, Code 521 Washington, DC 20240 202/219-1127	Total: $ 2,330,000	o P.L. 99-570 requires all schools funded by the BIA to provide instruction relating to alcohol and substance abuse prevention and treatment. o In FY 1990, the BIA expanded this program to include a health promotion and disease prevention program and an AIDS program with additional funds from the Department of Education substance abuse program. o Funds are used by counselors and staff.

APPENDIX B - PROFILE OF PROGRAMS BENEFITING AMERICAN INDIAN/ALASKA NATIVE STUDENTS - FISCAL YEAR 1990

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
William Mehojah Johnson-O'Malley Program Bureau of Indian Affairs U.S. Department of Interior 1849 C Street, N.W. MS #3530-MIB, Code 521 Washington, DC 20240	Total: $ 23,252,000 Number of students: 217,414 in 32 states through contracts with 173 tribes, 53 tribal organizations, 93 public school districts, and 6 state departments of education	o Provides funding for supplemental education programs for eligible Indian/Alaska Native children in public schools and programs to meet special needs of 3-4 year olds as determined by contractors and local Indian education committees. o P.L. 100-446 required a new formula to be phased in with all states receiving a minimum weight factor of 1.1 in FY 1989, 1.2 in FY 1990, and 1.3 in FY 1991.
Dr. Jim Martin Postsecondary Schools Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. Washington, DC 20240 202/208-7388	Total: $ 15,661,100 Haskell: $ 10,147,000 Number of students: Fall 827/Spring 776 SIPI: $ 5,514,100 Number of students: Fall 465/Spring 480	o The total amount of funds reflects a Facilities Add-On of $2,222,100 for Haskell Indian Junior College and $1,085,000 for Southwestern Indian Polytechnic Institute which is not a part of the base appropriation, but added to the overall budget of these institutions.
Reg Rodriguez Special Higher Ed. Scholarships Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. Washington, DC 20245 202/208-4871	Total: $ 2,131,000 AIGC: $ 1,973,100 Students served: 285 UNM Summer Law Program: $ 157,900 Students served: 30	o FY 1990 program includes Summer Law Program. o In FY 1990, only applicants in the priority fields of study are eligible for funding. o Received 561 applications in FY 1990.
Reg Rodriguez Tribally Controlled Community Colleges Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. Washington, DC 20245 202/208-4871	Total: $ 15,825,000 Operating Costs: Title I $ 10,470,000 Title II $ 4,748,000 Tech/Asst $ 114,000 Endowment (P.L. 99-428): $ 493,000	o Authorized by P.L. 98-192. o Twenty-two colleges are being served in FY 1990. o Title I funds all colleges except for Navajo Community College. o Title II funds are only for the Navajo Community College.

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
Reg Rodriguez Scholarships (Higher Education Program) Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. Washington, DC 20245 202/208-4871	Total: $ 27,635,000 Students assisted: 14,200 Average Grant: $ 1,678 Number of Graduates: 1,400	o Education staff at the area and agency offices provide supervision for this program. This undergraduate scholarship program is contracted out to tribes or may be administered at the agency level.
Reg Rodriguez Tribal Colleges Snyder Act Supplement Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. Washington, DC 20245 202/208-4871	Total: $ 904,000 Number of students: 14,862	o Under authority of the Tribally Controlled Community Colleges Assistance Amendments Act (P.L. 98-192), the BIA provides grants to tribal colleges for academic and administrative purposes and for the operation and maintenance of the colleges.
Reg Rodriguez Adult Education Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. Washington, DC 20245 202/208-4871	Total: $ 3,167,000 Number of students: 12,500 in 88 programs Average Cost per student: $ 255	o Provides educational opportunities and learning experiences to enable adult Indian/Alaska Natives to complete high school graduation requirements, acquire basic literacy skills, and gain new skills and knowledge.
Bill Mehojah Star Schools Bureau of Indian Affairs U.S. Department of Interior 1849 C Street N.W. MS 3512-MIB Code 500 Washington, DC 20240 202/208-4072	Total: $ 5,700,000 1 project serves 16 sites	o This program is in its second year of a two-year award.

APPENDIX B - PROFILE OF PROGRAMS BENEFITING AMERICAN INDIAN/ALASKA NATIVE STUDENTS - FISCAL YEAR 1990

PROGRAM	FY 1990 BUDGET NUMBER OF STUDENTS	DESCRIPTION ISSUES IN FISCAL YEAR 1990
David J. Matheson Office of Construction Management U.S. Department of Interior 1849 C Street N.W. Room 2415 Washington, DC 20245 202/208-3403	Total: $ 33,710,000 Education Projects: $ 9,585,000 Planning & Design: $ 1,000,000 Improvement: $ 23,125,000	o New school construction based on established ranking process published in the Federal Register. Repair and Improvement program based on priority ranked input from Area Offices.
Wes Picciotti, Acting Chief Scholarship Program Indian Health Service Twinbrook Metro Plaza Building #100 12300 Twinbrook Parkway Rockville, MD 20852 301/443-6197	Total: $ 8,799,000 Section 102: $ 640,000 Section 103: $ 2,160,000 Section 104: $ 4,883,000 Section 105: $ 1,116,000	o Out of 1,000 applications received, the IHS scholarship program could only serve 178 new awards because of limited funds; there were 242 continuation awards. o Placement of graduates for those who do not have Indian preference needs to be resolved; mandatory placement process is being considered.
Lee Fields, Acting Chief American Indian Programs Project Head Start Health & Human Services 330 C Street S.W. Washington, DC 20013 202/245-0569	Total: $ 48,256,821 Tribal Organizations: 107 Children served: 15,517	o Eligibility requirements: Must meet family income guidelines which vary according to number in household. o Must be from a federally-recognized tribe if participating in an Indian-operated program.
Yemia Kiamichi Institute of American Indian Arts College of Santa Fe St. Michael's Drive Box 20007 Santa Fe, NM 87504 (505/988-6486)	Total: $ 4,305,000 No. of students: 240 students representing 76 tribes.	o IAIA received continuing accreditation from both NASAD and North Central in 1990. o Long term strategic plans for IAIA and the new campus are nearing completion. The IAIA Museum is scheduled to open in early Summer 1992. o The IAIA communication and graphic arts department produced U.S. Census Bureau materials targeted at the Indian population to promote participation in the 1990 Census.

PAST RECOMMENDATIONS SUBMITTED BY NACIE
FISCAL YEARS 1985 - 1989

During the past five fiscal years, the National Advisory Council on Indian Education (NACIE) has submitted to the Secretary of Education and the United States Congress a total of 88 recommendations. Recommendations submitted by NACIE are those which the Council has deemed necessary for the improvement of federal education programs in which Indian children and adults participate or from which they can benefit. The Council also "advises" the Secretary of Education with respect to the administration of programs for Indian children and adults, including the development of regulations and administrative practices and policies.

The official recommendations submitted by NACIE and the responses received from the Department of Education during the period of fiscal year 1985-1989 have been accumulated and reprinted in this section as a review of the overall scope of NACIE recommendations. A cumulative approach allows for a reexamination of the issues which have warranted consideration with a view to action.

A retrospective view reveals several items which have remained annual report recommendations consistently since at least fiscal year 1985. Five of these items are highlighted below. All of these recommendations would allow Indian people to have more control over the decisions that effect their educational futures.

RECOMMENDATION #1: The Office of Indian Education (OIE) should be reestablished as an independent division within the structure of the United States Department of Education, and the Director of OIE should be upgraded to an Assistant Secretary who shall report directly to the Secretary of Education.

One recommendation which is continually included for consideration is the issue of reestablishing the Office of Indian Education (OIE) as an Independent division within the structure of the Department of Education (DOE) and elevating the position of Director of the Office of Indian Education to an Assistant Secretary position so that the Director reports directly to the Secretary of Education. The Department has continually justified the location of the Office of Indian Education within the Office of Elementary and Secondary Education (OESE) since the majority of programs authorized by the Indian Education Act are elementary and secondary oriented. Included also in the Indian Education Act are programs for Indian adults and an Indian fellowship program. Similar programs for the general population elsewhere in the Department are housed in their respective locations such as the Office of Postsecondary Education and Adult and Vocational Education. These departments also have their own Assistant Secretaries.

The original 1972 legislation authorizing the Indian Education Act placed the Office of Indian Education within the Office of Education when it was located in the Department of Health, Education and Welfare. The Act established OIE as a bureau under the direction of the Commissioner of Education to be headed by a Deputy Commissioner of Indian Education to be appointed by the Commissioner of Education from a list of nominees submitted by NACIE. Of particular importance is the placement of OIE at the level of a bureau with its deputy reporting directly to the Commissioner, then the highest ranking federal government official in the field of education. In 1979, when legislation was created and passed establishing a Department of Education, an Assistant Secretary for Indian Education was not a part of the package. For the last twelve years the Office of Indian Education has remained under the authority of an Assistant Secretary of Education.

RECOMMENDATION #2: Indian preference should be upheld and effectively implemented at all levels in the United States Department of Education, Office of Indian Education.

Indian preference in hiring at the Office of Indian Education has remained an issue since at least 1985 and is currently being implemented due to legislation requiring such action in the most recent reauthorization of the Indian Education Act in 1988. Before the Office of Indian Education was moved to an Office within the Department of Education there were approximately 30 of 50 total staff that were Indian. Once the Office of Indian Education moved under the authority of the Assistant Secretary of Education in 1979 the number of American Indians employed in the Office of Indian Education dropped from 30 out of 55 in 1980 to 10 out of 55 in 1981 and steadily declined every year to a low of 2 out of 46 in 1986. Since the implementation of the reauthorization of the Indian Education Act in 1988 the number of Indian employees has steadily increased. The number of Indians on staff at OIE in 1990 was approximately 12 out of 45 or 27 percent.

Indian preference has allowed more qualified Natives to work in the Indian Education Office, however, the turnover rate appears to be quite high and the duration of some Indian employees is less than two years. Due to the nature of Indian Education programs in general, one would assume that the most qualified staff to administer these programs would be Indians themselves. The Indian preference issue has sparked the development of non-Indian preference for non-Indians working in OIE. This one-time preference for current non-Indian staff seeking employment in other Department of Education offices has enabled some employees to advance their careers in other programs while allowing the Indian Preference issue to be addressed.

RECOMMENDATION #3: Federal readers for proposal review and scoring should have a sensitivity to Indian affairs. The Department of Education should return to the practice of using well-qualified Indian professionals from the field as readers for proposal review and scoring.

Recruiting American Indian and Alaska Native educators to review proposals for funding continues to be an issue of concern for NACIE. While only Indian organizations and tribes are able to compete for the limited funds under the discretionary grant program authorized by the Indian Education Act, it would seem appropriate to have Indian readers review the applications for funding. Due to recent budget cuts the review process for discretionary funds has had to rely on the objective viewpoints of two readers (one field and one federal) instead of the usual three reviewers. Having qualified Native proposal reviewers score applications permits continuity in the allocation of grant awards to meritorious Indian organizations and tribes based on the strength of their application. Utilizing the expertise of Indian reviewers also allows educators to keep abreast of current trends/practices in education and brings new approaches to chronic education problems affecting Indian people.

RECOMMENDATION #4: All Indian education programs of the U.S. Department of Education be funded at levels sufficient to support effective programs.

Appropriately funding educational programs under the authority of the Indian Education Act should be a commitment of the Congress and the Department of Education. With the initiating of administration goals for the year 2000, additional funds will be needed to insure access to educational opportunities for all Indian people. Unfortunately, since the implementation of the Indian Education Act funding has never met the demand for services in the Indian community. The Indian Nations At Risk Study will assess the current state of Indian Education and provide recommendations that the administration will need to implement in order to meet the National Goals. A major consideration for the Department of Education and the Administration will undoubtedly be increases in funding for those programs currently in operation in the Office of Indian Education, Bureau of Indian Affairs and other Agencies which offer educational services for Indian people. New initiatives in K-12, Postsecondary and Adult education services for Indian people will also be a part of the recommendations and will need appropriate financial commitments to make them realities.

The financial commitment should also be available to insure that once the Indian Nations At Risk Study is completed and the White House Conference on Indian Education has been held that an entity is there to carry forth the recommendations from both events. The most logical Indian organization is the National Advisory Council on Indian Education. In 1993 the current Indian Education Act, Public Law 100-297 will end and hopefully the recommendations formulated by NACIE and other Indian Education initiatives can be implemented in the reauthorization.

RECOMMENDATION #5: The Resource and Evaluation Centers continue should be funded at a level to allow them to continue to perform valuable services for Indian education.

The continued support from a financial and administrative standpoint is essential if the Indian Technical Assistance Centers are to perform at their optimum and carry forth the mission statement established by the new Director of Indian Education. These six centers provide a valuable service to Subpart 1 Formula grantees and are instrumental in assuring that the goals that the Office of Indian Education are achieved at the local level. Appropriate funding must be realized for these centers to fulfill their contract agreements. At present the six centers are operating on a budget originally allocated for five. In order to do this, cuts are going to have to be made which will more than likely mean less workshops. The effectiveness of grantees with small budgets or those located in rural areas will suffer because of the inability to network or obtain the professional assistance that is offered at these events.

UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

FEB 26 1991

Ms. Jo Jo Hunt
Executive Director
National Advisory Council
 on Indian Education
330 "C" Street, SW, Room 4072
Washington, DC 20202

Dear Ms. Hunt:

Thank you for sharing a copy of the 16th Annual Report on the National Advisory Council on Indian Education. The report was most informative and will be useful in our program and policy review. We appreciate the analysis provided from the Council's unique perspective. Enclosed are the Department's responses to your recommendations.

Sincerely,

Ted Sanders

Ted Sanders
Acting Secretary

Enclosure

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202-0100

DEPARTMENT OF EDUCATION'S RESPONSES TO RECOMMENDATIONS OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (NACIE) IN THE 16TH ANNUAL REPORT (FOR FY 1989)

1. The Office of Indian Education (OIE) should be reestablished as an independent division within the structure of the United States Department of Education, and the Director of OIE should be upgraded to an Assistant Secretary who shall report directly to the Secretary of Education.

   Response:

   While this recommendation has been made in the last three reports, the Department continues to maintain its position that since the largest portion (91%) of OIE's program funds are directed to serving elementary and secondary school students, it is appropriate for OIE to be under the direction and guidance of the Assistant Secretary for Elementary and Secondary Education. The Office of Elementary and Secondary Education (OESE) provides administrative policy coordination and fiscal accounting for all program units in the Department serving elementary and secondary schools.

2. The Office of Indian Education of the Department of Education should play a leading role in identifying and disseminating effective Indian/Alaska Native education practices from all education projects funded by the Department of Education.

   Response:

   In 1986, OIE initiated an effort to identify effective practices among OIE funded projects by establishing a showcase program of effective projects at the National Indian Education Association's (NIEA) annual conference. The program office coordinates with the Resource and Evaluation Centers in identifying and disseminating information on the projects. OIE has since 1986 distributed abstracts on the Showcase Projects to workshop participants at the NIEA annual conferences and to grantees requesting information on projects that are working successfully. Similarly, OIE has requested NACIE's input in the identification process and will continue to consult NACIE for their recommendations.

3. The Secretary of Education should conduct a review of the Resource and Evaluation Centers funded by the Office of Indian Education. Such review should note their mandate, responsiveness to Indian Education Act program grantees and potential grantees, and any gaps in such service. After such a review, changes should be made in the contracts or service delivery to better meet the needs of grantees and potential grantees, particularly Indian and Alaska Native potential discretionary grantees.

   Response:

   The Department awards competitive contracts to the best offerors from various Indian institutions and organizations to operate the Indian Education Technical Assistance Centers formerly, Resource and Evaluation Centers. The Department's Contracting Officer (CO) and the Contracting Officer's Technical Representative (COTR) monitor and conduct reviews on each contractor's performance to determine whether it is in compliance with the terms of the contract which specifies the scope of work for their performance.

   As part of the Department's monitoring and review procedures, each contractor is required to submit written monthly management reports, monthly fiscal reports and an annual report to OIE which contain documentation of accomplishments for each Center. These reports are provided to NACIE for review and comments.

   When permitted by funding, the Contracting Officer's Technical Representative (COTR) conducts an on-site review of each Center's activities. Since the contracts are awarded for only one base year with two year options for continuation, the Government may choose to reprocure the contracts at the end of each year if any of the Centers receive an unsatisfactory evaluation on their performance.

4. The Secretary of Education should conduct an evaluation of the Indian Fellowship Program and report on number of applicants funded, tribes of the applicants, levels of funding and number of applicants not funded. A survey of the professional needs in Indian affairs should be conducted to highlight potential new areas of fellowship activity.

Response:

The Office of Planning, Budget and Evaluation (OPBE) awarded a contract to Pelavin Associates on October 15, 1989 to conduct a study on Indian Fellowship recipients and the institutions they attend. Specifically, the study is designed to describe the prior academic preparation and progress through school, and factors that affect their progress. The study will provide descriptive information on key outcomes of recipients including degree completion, employment status and community involvement. The study will also provide OIE and OPBE with information that will help in reviewing policy goals and priorities for the Fellowship program. OIE will ask NACIE to review and comment on the report.

5. The Secretary of Education should conduct a review of all grant-in-aid programs in the Department of Education under which local educational agencies receive funding to ensure that Indian Education Act funds are not being used to supplant other federal funds.

Response:

The Office of Inspector General (OIG) has included in its plans a review of Department of Education grantees and will examine several discrete compliance issues, including recipients' compliance with any requirement that federal funds be used to supplement and not supplant funds that would otherwise be made available by the recipient.

6. There should be increased cooperation between the Department of Education, Office of Indian Education, and the National Advisory Council on Indian Education, especially with respect to policy development, regulations, and other items related to administration of programs in which Indian children or adults participate or from which they can benefit.

Response:

The Department will continue to work with NACIE to improve communications and procedures for obtaining their input and/or participation in matters related to programs that benefit Indians.

7. The President should call the White House Conference on Indian Education, and the Congress should appropriate for fiscal year 1991, to remain available until expended, the sum of $500,000 to be used with the funds appropriated in fiscal year 1990 to carry out the necessary planning of the Conference and $1.5 million in fiscal year 1992 to conduct the Conference and any associated preconferences.

   Response:

   The White House Conference on Indian Education is planned to take place by September 30, 1991. The Director of the Office of Indian Education has been involved in the planning meetings between the Bureau of Indian Affairs and the Department of Education. $993,000 has been appropriated to conduct the Conference in FY 1991.

8. The Congress should enact an amendment to Part E, Title V, Public Law 100-297, to extend to September 30, 1992, the date by which the White House Conference on Indian Education must be held to allow the necessary planning for this most important and comprehensive event.

   Response:

   The Conference is scheduled to take place by September 30, 1991.

9. The Advisory Committee and the Interagency Task Force for the White House Conference on Indian Education should be appointed as soon as possible so that the planning for the national Conference and any necessary preconference may begin.

   Response:

   A notice was issued in the Federal Register Vol. 55, No. 213 on Friday, November 2, 1990 to solicit nominations for the Advisory Committee of the White House Conference Task Force. The Interagency Task Force staff members and an acting director have been appointed. The White House has received nominations for the statutorily mandated 24 person advisory committee to advise and assist in the conference planning. Selections are now in process.

10. The National Advisory Council on Indian Education, the Indian Nations At Risk Task Force established by the Secretary of Education, and the Bureau of Indian Affairs should be required to cooperate with the Interagency Task Force for the White House Conference to share information and results of any studies, hearings, or education consultations, so that the work of these aforementioned entities can feed into the information gathering and synthesizing efforts of the conference.

    Response:

    The Indian Nations at Risk Task Force is working cooperatively with the Interagency Task Force for the White House Conference to share information and results. The Director of the Office of Indian Education at the Bureau of Indian Affairs and the Director of the Office of Indian Education in the Department of Education are also working cooperatively in planning the conference.

11. Since the Congress has acknowledged in Public Law 100-297 that "the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians," the Congress and/or the Secretary of Education should direct the National Center for Education Statistics to provide statistical information on Indians and Alaska Natives in any published report which provides such information by ethnicity and to collect such information by oversampling, or by whatever sampling method is appropriate, to produce reliable estimates on Indians and Alaska Natives.

    Response:

    The National Center for Education Statistics (NCES) currently provides statistical information on Indians and to a lesser extent, on Alaska Natives when data are available from surveys that include Indians and Alaska Natives in their sample. NCES has attempted to oversample in the National Longitudinal Study (NELS '88) but the number in the Indian sample was not large enough to yield any statistically significant results, and a greater oversampling would not be cost-effective.

    The Office of Indian Education is currently reviewing other options. The Director will be contacting NACIE for further discussion on this matter.

12. The Congress and/or the Secretary of the Interior and Secretary of Education should require the Bureau of Indian Affairs and the National Center for Education Statistics to include the children in BIA-funded schools in any national longitudinal or other study as well as in any published report which provides educational information by ethnicity.

    Response:

    NCES has held several planning sessions with the Office of Indian Education and the Bureau of Indian Affairs (BIA) to discuss procedures that will be used to collect data from BIA-funded schools in the Department of Education's national surveys, particularly in the "Schools and Staffing Survey".

13. The Congress should forward fund all Bureau of Indian Affairs education programs so that tribes, Alaska Native villages and corporations, tribal elementary and secondary schools, tribal colleges, local educational agencies as contractors for Johnson-O'Malley funds, and others can better plan their educational activities.

    Response:

    We defer this issue to the Department of the Interior.

14. For Bureau of Indian Affairs teachers and administrators, and teachers and administrators in all school districts which receive Indian Education Act, Impact Aid, or Johnson-O'Malley funding, a mandatory in-service teacher training program should be established. The teachers/administrators would receive continuing education credits which would provide them training on cultural differences from a positive perspective to better understand the behaviors and learning styles of Indian and Alaska Native children and an appreciation of their backgrounds and the contributions of their people to this country. The training program should also share effective programs and practices in educating Indian and Alaska Native students.

    Response:

    The Department's established policy is that decisions affecting local school districts generally be made at the local school district levels or at the state level including policies affecting mandatory in-service teacher training. We defer all matters concerning in-service teacher training for BIA schools to the Department of the Interior unless specified in the Memorandum of Agreements for Chapter I and Drug-Free Schools and Communities Flow-through Programs.

The current OIE Resource Centers are funded to provide such training to local educational agencies including BIA schools, at no cost to the schools. Some Centers have coordinated their training activities with local colleges or universities that provide continuing education credits for teachers and or school administrators as an option for each participant. Two of the current Centers provide Summer Institutes for Teachers focused on learning styles of Indian and Alaska Native children and cultural curriculum development.

15. The Department of Education should strictly enforce the provisions of the Impact Aid law which require Indian policies and procedures to be in place in each school district and active consultation and involvement by Indian tribes and parents in the planning and development of programs for their children.

Response:

Section 5(b)(3)(B) of P.L. 81-874 requires LEAs that serve children residing on Indian lands to establish policies and procedures to ensure that parents of Indian children and Tribal officials are involved in the planning and development of educational programs for Indian children. The Department requires that such policies and procedures be submitted with the LEA's application for Impact Aid payment when children residing on Indian lands are claimed. The Department has withheld payments from applicants that were not in compliance. Any Tribe or its designee is entitled to file a written complaint with the Assistant Secretary with supporting documentation, if it believes that the policies and procedures submitted by the LEA are not being followed.

15b. There should be a resolution by the Congress indicating that the federal payments under the Impact Aid Program to districts counting students who reside on Indian lands are in lieu of and represent the tax payments of the Indian tribe, since the tribe made the payment many years ago with the ceding of lands. The school districts should never be able to think that Indians do not pay property taxes and that, consequently, LEAs do not have to be as responsive to them as they are to other taxpayers.

Response:

The Department has no opinion regarding the appropriateness of such a resolution.

16. The Department of Education should provide technical assistance to Indian tribes and Alaska Native villages regarding the rights of tribes, villages and Indian/Alaska Native parents to be involved in the education of their children in schools receiving Impact Aid funds as prescribed in policies and procedures required by the statute and regulations.

    Response:

    Impact Aid officials have met and will continue to meet with organizations representing Tribes and parents of Indian children to apprise them of their rights and responsibilities under the Impact Aid program. Further, as stated earlier, Tribal officials who believe that a school district is not following the approved policies and procedures are free to file a formal appeal with the Department. Short of this, parents of Indian children can, and do, call the Department seeking advice regarding their rights at the local school level. We would welcome further opportunities to meet with Tribal representatives at the State, regional, or national level.

17. The Congress should amend Public Law 81-815 to provide a 125 percent funding priority (multiply priority index by 1.25) for construction funds in the Impact Aid Program for schools serving children who reside on Indian lands comparable to the 125 percent entitlement for operational funds under Public Law 81-874.

    Response:

    The Department does not support this recommendation. Priority is already given to funding school construction projects in LEAs serving children who reside on Indian lands through a separate appropriation for sections 14(a) and 14(b) of P.L. 81-815. This funding is to be used only for LEAs that are comprised mainly of Indian lands or that provide a free public education to a substantial number of children who reside on Indian lands. These LEAs can also compete for funding under Sections 5 and 14(c) of P.L. 81-815, which assist LEAs that experience significant increases in children connected with Federal property (including Indian lands) or that contain Federal property (including Indian lands) amounting to at least one-third of the total land area of the LEA.

18. Funding should be available under Public Law 81-815, as amended, for replacement of facilities serving children living on Indian lands as well as for initial construction.

Response:

The Department does not believe this recommendation should be implemented. Public Law 81-815 does not prohibit an LEA from using program funds to replace facilities serving children living on Indian lands if that is the LEA's preferred way of providing minimum school facilities for the membership in need. Since children currently without any facilities represent a greater urgency of need, an application for replacement facilities would not achieve as high a priority as an application based on unhoused membership.

18b. In addition, there should be provisions for emergency construction without having to wait for the regular application cycle to cover loss from fire or other destruction (not including major disaster declared by the President, for which there is already authority).

Response:

The Department does not believe this change is needed. Without a significant increase in the level of funding for P.L. 81-815, even emergency construction applications would need to be prioritized and funding would not be feasible until the very end of the fiscal year when all such needs would be known. A district experiencing such a loss would be likely to be ranked high on the priority list or qualify for disaster assistance and thus receive funding under existing programs.

19. All federal education statutes should be amended to include Indian tribes, tribal organizations, Alaska Native villages, or Alaska Native corporations in the definition of "local educational agencies (LEA)" in those cases where the exclusion from such definition would result in children attending tribal or BIA schools and Indian citizens living on reservations or Alaska Natives being denied access to the same discretionary and formula grant programs that serve other Americans.

Response:

The vast majority of the Department's formula and discretionary grant programs already make provision for participation of individuals served by BIA schools, either through set-asides of funds transferred to the BIA (e.g., Chapter 1, Special Education, Drug-Free Schools, Mathematics and Science) or through special programs administered by the Department of Education (e.g., Vocational Education, Vocational Rehabilitation). The only clear instance where BIA-served Indians are clearly excluded from a program offered to LEAs is Even Start; in that instance we understand that similar services are provided with BIA funds. If other programs are identified where BIA-served individuals appear to be disqualified for services because of the exclusion of BIA schools from the definition of LEA, the Department will determine whether these services are being provided by the BIA or whether a legislative change should be sought.

20. The income eligibility requirement should be waived for Head Start and other preschool programs in remote areas where such programs are the only preschool programs available for Indians and Alaska Natives.

    Response:

    We defer this matter to the Department of Health and Human Services.

21. The Congress should provide a stable and ongoing fund for construction of tribal elementary and secondary schools and tribal colleges to ensure that the construction and renovation needs of all such current schools are met by fiscal year 2000 with a phase-in of any newly established schools or colleges into the program.

    Response:

    We defer this matter to the Department of the Interior.

22. The tribal colleges should be funded at a minimum of $3,100 per full-time equivalent student, which was the per pupil expenditure in fiscal year 1981.

    Response:

    We defer this matter to the Department of the Interior.

23. The Tribally Controlled Community College Assistance Act should be reauthorized in accordance with the recommendations of the American Indian Higher Education Consortium.

Response:

We defer this matter to the Department of the Interior.

24. In order to treat tribal colleges fairly and provide them at least the same opportunities as other predominantly minority schools, there should be a special legislative effort and a White House initiative on tribal colleges similar to the efforts put forth for historically black colleges.

Response:

Tribally-controlled colleges already have special legislative status and funding priority via the Tribally Controlled Community College Act and HEA Title III.

25. The Congress should amend the Adult Education Act to provide a two-percent set aside for adult education programs for Indians and Alaska Natives.

Response:

The Department does not support this recommendation.

26. The Congress should require the Bureau of Indian Affairs to remove from the Indian Priority System both the adult education programs, so that the tribes do not have to prioritize education programs against other tribal government services, such as law enforcement.

Response:

We defer this matter to the Department of the Interior.

27. The adult education budgets for both the Office of Indian Education and the Bureau of Indian Affairs should be doubled (to $14,976,000 in fiscal year 1991).

Response:

The appropriation for Subpart 3, Indian Adult Education discretionary grants was increased from $4.078 million to $4.249 million for FY '91 and has increased significantly from the level of $3.0 million since 1988.

28. The Bureau of Indian Affairs should never again be granted a waiver by the Congress to avoid the matching requirement for funds for Indian tribes and Alaska Native villages under the Carl D. Perkins Vocational Education Act.

Response:

We defer this matter to the Department of the Interior.

29. The Congress should pass legislation requiring a national assessment of the adult education and vocational education needs of Indian and Alaska Native people.

Response:

No new legislation is needed. Current authority is available for studies of the vocational and adult education needs of Native Americans.

30. There should be established a national technical assistance center for Indian and Alaska Native adult education.

Response:

The new contracts for the regional Indian technical assistance centers requires the contractor to hire key personnel at one full-time equivalency or on a part-time basis depending on the extent of need in each region, to specialize in providing technical assistance in Indian adult education program development.

31. The Congress should pass legislation requiring a national assessment of the professional development needs of Indian and Alaska Native people, given their economic development plans, tribal government needs, health professional needs, and teacher needs, for the purpose of determining priority fields of study for scholarship and fellowship programs, particularly at the graduate and professional level, and matching graduates back to jobs available in Indian and Alaska Native communities.

Response:

No new legislation is needed. The Department is in the process of developing a multi-year evaluation and assessment agenda for Indian Education. The topics covered in the recommendation could be included in that agenda.

32. The scholarship/fellowship budgets for the Bureau of Indian Affairs, the Indian Health Service, and the Office of Indian Education should be doubled (to $74,762,000 in fiscal year 1991).

Response:

The Office of Indian Education is planning to conduct an internal management analysis of the fellowship budget in the summer, 1991. The analysis will consider variables such as tuition and fee cost increases and the decrease in the number of awards per year over the last few years. The Department took into consideration the budget constraints in developing the fellowship budget for FY '91. We defer the decisions on the BIA fellowship budget to the Department of the Interior and the IHS fellowship budget to the Department of Health and Human Services.

33. The other agencies of government establishing programs or policies affecting the education of Indian and Alaska Native people should be required to inform the National Advisory Council on Indian Education, the Office of Indian Education at the Department of Education, and the Office of Indian Education Programs at the Bureau of Indian Affairs to facilitate exchange of information and coordination of efforts to meet the educational needs of this population.

Response:

The Department of Education has directed the establishment of the Interagency Committee on Indian Education for the purpose of allowing an exchange of information and coordination of effort regarding Indian education between various federal agencies of the government. The committee keeps NACIE informed about the progress of committee activities.

34. State educational agencies (SEAs) with more than five Indian Education Act formula grantees should receive funding for a state Indian education office to assist in the monitoring of and technical assistance to formula grantees; to interact with other programs to assist in ensuring against supplanting state and other federal funds with Indian Education Act funds; to interface with state-administered programs, such as adult education and vocational education, to assure that Indians and Alaska Natives are included in the state plans; and to serve as educational resources to Indian and Alaska Native communities.

Response:

The Department will explore this option in context of developing a proposal for the next reauthorization of the Indian Education Act.

35. The Congress should amend the Indian Education Act to allow new formula grantees under Subpart 1.

Response:

The Department did not support enactment of such provisions in 1988. Such an amendment is not necessary at this time. The FY '91 appropriations allowed the Office of Indian Education to solicit and accept applications for new formula grant applicants and anticipates making at least 26 awards to new grantees.

36. The Department of Education should develop strategies for ensuring that LEAs concentrate efforts to successfully meet the original intent of the Indian Education Act to utilize grant funds to develop the appropriate methods and activities to address the special educational and culturally-related academic needs of Indian and Alaska Native children and then integrate these methods and activities into the school system. The Department should also assess how LEAs may become more effective at addressing Indian/Alaska Native student needs not as Indian education problems but as local education concerns that warrant unique and specialized approaches.

Response:

The Department allows each LEA to determine how the needs of Indian children and Alaska Native children should be addressed in their local school districts. The Office of Indian Education has established regional Indian Education Technical Assistance Centers through contracts with Indian organizations and institutions to assist the LEAs in identifying appropriate methods and strategies that may be used by the local school programs in conducting a needs assessment. The Centers also provide training and assistance to LEAs in evaluation and in assessing effectiveness of local projects.

37. The Department of Education should evaluate the effectiveness of Indian Education Act formula grant projects and require formula grantees to seek technical assistance as needed from the Resource and Evaluation Centers rather than the current practice of technical assistance to grantees only upon their request. Often those formula grantees who need assistance most do not request it.

Response:

The language in the contracts for operating the Indian Education Technical Assistance Centers follows the statutory language in the Indian Education Act of 1988 which requires the Centers to provide technical assistance to grantees upon request.

38. The Department of Education and the Bureau of Indian Affairs should maintain a working group to work out problems which may develop with eligibility of BIA and tribal schools for Department of Education programs; to develop collaborative working relationships for staff training, sharing of and collecting information, and participation in joint studies regarding Indian and Alaska Native students; and to resolve any regulatory obstacles for BIA schools now administering Indian Education Act formula grant or other programs, such as hiring of project personnel, supply and equipment procurement, and student count form management.

Response:

The Director of the Office of Indian Education at the Department of Education has been working on collaborative efforts with the Director of the Indian Education Programs at the Bureau of Indian Affairs in the areas recommended above.

39. The Office of Indian Education should have application packages for each grant program and for Indian fellowships prepared and available to allow at least three months from the application availability date to the application closing date. To ensure appropriate notice and availability, application packages for formula grants should automatically be mailed to all prior year grantees immediately upon receipt from the printer. Likewise, application packages for Indian-controlled schools discretionary grants should be automatically mailed to all federally recognized, terminated, and state recognized Indian tribes, Alaska Native villages, urban and rural nonreservation Indian organizations, tribal schools, tribal colleges, resource and evaluation centers, and other interested parties. The National Advisory Council on Indian Education will share its mailing list to accomplish adequate notice and distribution of application packages.

Response:

The OIE currently provides sufficient time for availability of applications. Indian fellowship applicants are provided a minimum of 60 days to prepare their applications (from date when applications are mailed to potential applicants to closing date). All discretionary grant applicants are given a minimum of 45 days. OIE will consider extending the time for fellowship applications by another 15 days for the FY '92 competition.

Please note that tribal colleges are not eligible for funding under the Indian-controlled schools discretionary grant program (Subpart 1) but are eligible to receive funds under the Subpart 2 and 3 discretionary programs.

40. Federal agencies should work cooperatively to address the socio-economic impediments to educating Indian and Alaska Native people to their full potential, including addressing the health, housing, nutrition, substance abuse, family violence, and other problems which affect the whole child and the whole adult person in reaching his/her educational goals.

Response:

The Department agrees with the recommendation. It is one of the priorities of the Director of the Office of Indian Education to coordinate efforts with other agencies to address this concern.

41. In order to better assess the achievement of Indian and Alaska Native elementary and secondary students, the Congress should direct the National Advisory Council on Indian Education, the National Center for Education Statistics, the Office of Indian Education Programs at the Bureau of Indian Affairs, state education agency representatives, and other appropriate parties to jointly determine and report back to appropriate committees of the Congress the achievement data to require of Indian Education Act formula grantees. The Congress should then amend the Indian Education Act to require collection and reporting of such data by formula grantees as a condition of the grant award.

Response:

Enactment and implementation of this recommendation would be problematic. Because of the wide variation in funding level among formula grantees and because grantees choose their own project objectives and targeted services to children, it is not always advisable to require achievement data from grantees if their objectives are other than to directly increase the achievement scores, e.g., to decrease school dropout or increase school retention. In addition, there are many small grantees receiving less than $30,000 who cannot afford to hire staff to do anything other than meet student support objectives. However, the Department shares NACIE's concern with program accountability and will continue to seek means of documenting and improving the performance of Indian education grantees.

42. The Congress should require all federal agencies to publish in the Federal Register proposed rulemaking or final rules as an amendment in the nature of a substitute, with narrative explanation of changes from any previous regulations, so that the American public can readily determine how the regulations will actually read with such changes.

Response:

The Department determines on a case-by-case basis whether republication of entire amended regulations is appropriate.

UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

MAR 19 1990

Honorable Eddie L. Tullis
Chairman
National Advisory Council on Indian Education
330 "C" Street, S.W., Room 4072
Washington, D.C. 20202

Dear Chairman Tullis:

Thank you for sharing with the Department of Education the annual report describing the accomplishments and activities of the National Advisory Council on Indian Education for fiscal year 1988. Part II provided an interesting overview of the historical events leading to the Indian Education Act of 1988.

The information you provided will be useful in our program and policy review. We appreciate the analysis provided from the National Advisory Council's unique perspective and the recommendations on education programs affecting Indians. Enclosed are the Deparment's responses to each of your recommendations.

Sincerely,

Lauro F. Cavazos
Lauro F. Cavazos

Enclosure

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

Department of Education

Responses to Recommendations in

The National Advisory Council on Indian Education's (NACIE) 15th Annual Report (for FY 1988)

RECOMMENDATION #1: The Office of Indian Education (OIE) should be reestablished as an independent division within the structure of the Department and the Director of OIE should be upgraded to an Assistant Secretary who shall report directly to the Secretary.

RESPONSE: Section 5341 (a), (b) of the Indian Education Act of 1988 requires the establishment of an Office of Indian Education, under the direction of a Director who reports directly to the Assistant Secretary for Elementary and Secondary Education. In addition to this statutory requirement, since the largest portion (91%) of OIE's program funds are directed to serving elementary and secondary school students, the Department takes the position that it is appropriate for OIE to be under the direction and guidance of the Assistant Secretary for Elementary and Secondary Education. The Office of Elementary and Secondary Education (OESE) provides administrative policy coordination and fiscal accounting for all program units in the Department serving elementary and secondary schools.

RECOMMENDATION #2: Indian preference should be upheld and effectively implemented at all levels in OIE, and the Secretary should send periodic reports to NACIE on the implementation of Indian preference.

RESPONSE: The Department has and will continue to implement the Indian preference provision of Section 5341(c) of the Act, in accordance with this Department's Personnel Manual Instruction No. 335-3. In that Instruction, the Department set forth policies and requirements to implement that statutory provision. The Instruction applies to all personnel actions taken in OIE, including actions taken concerning the recent reorganization. NACIE will be informed about personnel actions through on-going coordination between NACIE's Executive Director and the Director of OIE.

RECOMMENDATION #3: The Office of Indian Education should play a leading role in identifying and disseminating effective projects from the Indian education programs funded by the Department.

RESPONSE: In 1986, OIE initiated the Showcase Program of Effective Projects at the National Indian Education Association's annual conference. The program office coordinates with the Resource and Evaluation Centers in identifying the Showcase Projects. The Centers disseminate information about promising practices through their monthly newsletters to grantees as well as through workshops for the local projects. The OIE would like to increase its coordination with NACIE for the identification process and will continue to consult with NACIE for recommendations.

RECOMMENDATION #4: The Secretary should conduct a review of the Resource and Evaluation Centers funded by OIE. Such review should note their mandate, responsiveness to program grantees and potential grantees, and any gaps in service. From such a review, NACIE should then review technical assistance needs and recommend the future role and responsibilities of such centers.

RESPONSE: The Department contracts with the best offerors from various institutions and organizations to operate the Resource and Evaluation Centers. The Department monitors closely each contractor's compliance with the terms of the contract in meeting the specifications, schedules, quality standards, and cost of performance to carry out the scope of work set forth in the contract.

To help determine whether the contractors are meeting the requirements specified in the scope of work, each Center is required to submit written monthly management reports, monthly fiscal reports and an annual report to OIE. These reports are provided to NACIE for review and comments.

RECOMMENDATION #5: The Secretary should conduct an evaluation of the Indian Fellowship Program and report on the number of applicants funded, tribes of the applicants, levels of funding, and number of applicants not funded. A survey of the professional needs in Indian affairs should be conducted to highlight potential areas of fellowship activity.

RESPONSE: Office of Planning, Budget and Evaluation (OPBE) is conducting a study to collect information on Indian Fellowship recipients. The study will provide OIE and OPBE with a background for reviewing policy goals and priorities for the fellowship program. NACIE will be asked to review and comment on the study report.

RECOMMENDATION #6: The Secretary should send a report to NACIE explaining what the common support items are that the Council pays to the Department and why such payment is required.

RESPONSE: Overhead expenses such as rent, telecommunications, mail, payroll processing and other services that are charged to the Department by the General Services Administration or other agencies are handled on a centralized basis by the Office of the Deputy Under Secretary for Management. Generally, each office in the Department is assessed a proportionate share of these common support costs based on the expected full-time equivalent (FTE) staff usage, actual service usage, or, in the case of rent, the space occupied during the year.

NACIE's budget is charged by the Office of Management for the following common support items:

- o Rent, based on actual space occupied in the Switzer building.
- o Telecommunications, for local and long-distance telephone usage.
- o Mail, based on estimated FTE staff usage.
- o Interagency agreements, including payroll processing/personnel records services and health unit access based on estimated FTE usage.

RECOMMENDATION #7: The Secretary should conduct a review of all grant-in-aid programs in the Department under which local educational agencies receive funding to ensure that Indian Education Act funds are not being used to supplant other federal funds.

RESPONSE: The Department's Office of the Inspector General (OIG) is planning a review of Department of Education grantees in the coming year. The OIG will examine several discrete compliance issues, including recipients' compliance with any requirement that federal funds be used to supplement and not supplant funds that would otherwise be made available by the recipient.

RECOMMENDATION #8: There should be increased cooperation between the Department, OIE, and NACIE, especially regarding policy development, regulations, and other items related to administration of programs in which Indian children or adults participate or from which they can benefit.

RESPONSE: The Department would be glad to work with NACIE to improve procedures for their participation in matters related to programs that benefit Indians.

RECOMMENDATION #9: Given the confusion regarding the interpretation of Section 5314(e) of the Indian Education Act of 1988 (Part C, Title V, P.L. 100-297), any grantee which has 506 forms on file for each child counted during the period from the date of submission of the application for the prior year to date of submission of the application for the year in question should not be held liable to the United States or be otherwise penalized by reason of any audit conducted before the date of enactment of such Act.

RESPONSE: The provision for relief from certain findings of audits conducted before the date of enactment of the Indian Education Act of 1988 is contained in the statute. Section 5314(e)(1)(c) of the Act states: "No local education agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit conducted before the date of enactment of this Act that--

(i) relate to the date of completion, or the date of submission, of any forms used to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act, and

(ii) are the subject of any administrative or judicial proceeding pending on the date of enactment of this Act."

In issuing audit determinations for the Indian education programs, the Assistant Secretary for Elementary and Secondary Education determined whether liability under the finding was alleviated by this statutory provision. As stated in that provision, applicability of the provision is determined by, among other things, the nature of the finding and whether the finding is the subject of an administrative or judicial proceeding on the date of enactment of the Act.

RECOMMENDATION #10: The President should call the White House Conference on Indian Education, and the Congress should appropriate for fiscal year 1990, to remain available until expended, the sum of $500,000 for the Department of Education to carry out the necessary planning of the Conference and $1.5 million in fiscal year 1991 for conduct of the conference and any associated state conferences.

RESPONSE: The decision to call for a White House Conference on Indian Education is the responsibility of the President and the White House. The sum of $500,000 was appropriated to the White House Office of Intergovernmental Affairs for FY 1990 for conference-related activities.

RECOMMENDATION #11: The Congress should enact a technical amendment to Part E, Title V, Public Law 100-297, to authorize appropriations for 1991 for the White House Conference on Indian Education.

RESPONSE: This amendment is under consideration by the Congress.

UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

MAY 26 1988

W. Buck Martin, Chairman
National Advisory Council on Indian Education
Switzer Building Room 4072/MS 2419
330 C Street, S.W.
Washington, D.C. 20202

Dear Chairman Martin:

Your manuscript of the Fourteenth Annual Report to the Congress of the United States has been received and reviewed by the Office of Indian Education Programs.

Pursuant to the Departmental policy of responding to annual reports submitted by the advisory committee, a list of responses to your recommendations is enclosed.

Thank you for giving us an opportunity to review your report.

Sincerely,

William J. Bennett

Enclosure

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

Responses to the Recommendations by the National Advisory Council on Indian Education in the Fourteenth Annual Report to the Congress (FY 1987)

1. NACIE Recommendation

The Office of Indian Education Programs (IEP) be re-established as an independent agency within the structure of the U.S. Department of Education and that the Director's line of authority be upgraded so that the Director shall report directly to the Secretary of Education in a role such as an Assistant Secretary.

NACIE has continued to make this recommendation since the U.S. Department of Education was established as a separate entity in 1979. As stated in previous reports, the Office of Indian Education Programs serves a unique population of Indian students that includes not only elementary and secondary students, but adult education programs, Indian-controlled schools, and undergraduate and graduate student fellowships.

The re-establishment of IEP as an independent agency would allow the IEP office to be responsible for all policy and budget decisions affecting its unique population, and that important efforts to identify future Indian education needs could be accomplished, perhaps with an IEP planning office.

ED Response

The Department believes that the Indian Education Programs office should continue to be located within the Office of Elementary and Secondary Education. This organization allows for better coordination of all elementary and secondary education programs that benefit Indian children. In reauthorizing the Indian Education Programs (The Indian Education Act of 1988, Part C of Title V of P.L. 100-297; enacted April 28, 1988), Congress specifically required that the Director report directly to the Assistant Secretary for Elementary and Secondary Education. In response to that reauthorization, the Director will assume broader policy and coordination responsibilities of programs in the Department relating to Indians and Alaska Natives.

2. NACIE Recommendation

Indian Preference should be in effect within the Office of Indian Education Programs (IEP), U.S. Department of Education, and that active recruitment for qualified IEP staff shall be advertised to a national level of applicants and not limited to hiring from within the U.S. Department of Education. Those selected to work for IEP should be chosen for their expertise, knowledge, and capabilities gained from working with and for the unique Indian population.

ED Response

In that recent reauthorization, Congress created a preference to Indians in all personnel actions within the Office of Indian Education Programs, to be administered in the same fashion as veterans' preference laws are administered. The Department will fully implement this new requirement.

3. NACIE Recommendation

The Indian eligibility requirements for participation in the programs offered by the Office of Indian Education Programs, U.S. Department of Education, needs clarification and that the U.S. Department of Education should work together with Indian individuals and organizations, the National Advisory Council on Indian Education, and the United States Congress in achieving suitable regulations determining Indian student eligibility.

ED Response

The recent reauthorization of the Indian Education Programs includes provisions for establishing student eligibility for funding. Currently, the Department is seeking a clarification from Congress on the interpretation of these provisions. The Director of the Indian Education Programs will also be seeking NACIE's assistance in the development of any regulations implementing those provisions.

4. NACIE Recommendation

The Office of Indian Education Programs, U.S. Department of Education, should maintain its lead role in identifying effective programs of the Indian education programs funded by its office. NACIE supports this IEP initiative to identify and promote effective Indian education programs.

ED Response

The Indian Education Programs office initiated an effort in 1987 to identify effective programs by coordinating with the National Indian Education Association and establishing a "showcase project" for effective programs at the NIEA annual conference. This effort has created an incentive for many local projects to improve substantially the quality of their programs and become nationally recognized as effective projects.

5. NACIE Recommendation

The departments funding Federal Indian education programs, such as the U.S. Department of the Interior and the U.S. Department of Education, should continue to consult with the American Indian Tribes and Alaska Natives in determining the direction of Federal Indian education. Proposed changes in any federally-funded Indian education program should be substantiated by thorough research, and that American Indians and Alaska Natives are consulted adequately while any proposals for change are developed and before they are submitted to the U.S. Congress.

ED Response

The Director of the Office of Indian Education Programs will seek comments and suggestions from NACIE regarding the direction of Indian education under the Indian Education Act of 1988.

6. NACIE Recommendation

The U.S. government continue to support all federally-funded Indian education programs as education is a trust responsibility provided to the American Indian Tribes by the United States. This responsibility is based on the treaties between the U.S. Government and American Indian Tribes.

ED Response

The Department recognizes its responsibility for administering the Indian Education Programs and will continue to fully implement the Indian Education Act.

7. NACIE Recommendation

All Indian education programs of the U.S. Department of Education be funded at levels sufficient enough for effective programs. Inflation in the U.S. economy has increased the costs of salaries and administrative costs in the funded projects, therefore, additional funding is needed to compensate for the additional costs.

ED Response

For 1989, the Administration has requested an increase of $1,327,000 for the Indian Education Programs. The increased funds would be added to the Part A Formula Grant Program ($678,000); the Part B Resource and Evaluation Centers ($100,000); the Part C Adult Education Program ($500,000); and Program Administration ($49,000).

8. NACIE Recommendation

The U.S. Department of Education continue to fund the five Indian Education Act Resource and Evaluation Centers as they provide valuable services for the Indian education community. Any changes in the Resource and Evaluation Center structure and responsibilities should be open to consultation from the Indian education community, as well as the U.S. Department of Education.

ED Response

The Department agrees with NACIE on the value of the services provided by the Resource and Evaluation Centers. The Office of Indian Education Programs has sought input from NACIE by forwarding all the Monthly Reports and Annual Reports from each Center to the Executive Director of NACIE and has invited NACIE's review, comments and recommendations for any suggested changes in the Center responsibilities and activities. In the recent reauthorization, Congress provided for, among other related activities, regional information centers to provide evaluation, dissemination and technical assistance activities. The Department will continue to consult NACIE in the Department's implementation of the Indian Education Act.

9. NACIE Recommendation

The U.S. Department of Education should provide more broad-based technical assistance to the American Indian Tribes and Alaska Natives in order to facilitate the identification of their current and future educational needs and goals.

ED Response

The Department's technical assistance to grantees is largely provided upon request by the regional Resource and Evaluation Centers. The Centers also provide workshops and training to grantees on how to identify educational needs and specific goals for their local service population.

Because of the nature of regional education needs of grantees, the technical assistance provided by the Centers is generally broad-based. IEP also consults with NACIE and the SEA Indian Education Directors in identifying current and future needs for Indian education. The Northwest Regional Center in Spokane, Washington, has responsibility for serving and identifying the specific educational needs of the Alaska Natives. As noted above, the recent reauthorization provides for regional information centers.

10. NACIE Recommendation

The discretionary grant award process of the Indian Education Act discretionary grant proposals should be evaluated and rated by Indian field readers that thoroughly understand the geographical, tribal, cultural and socio-economic differences that exist in Indian country, and that there is an increased role of the Office of Indian Education Programs and the National Advisory Council on Indian Education in the selection of qualified Indian Readers.

ED Response

It has been the policy of the Indian Education Programs office to request from NACIE a list of recommended Indian field readers to serve during the application review process. The Department will continue its current policy of including Indian reviewers to the greatest extent possible. IEP currently uses the criteria cited by NACIE in identifying and selecting readers for the application review process.

UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

AUG 10 1987

Mr. Waldo Martin
Chairman
National Advisory Council
  on Indian Education
2000 L Street, N.W.
Suite 574
Washington, D.C. 20036

Dear Mr. Martin:

We have received and reviewed NACIE's draft of The Thirteenth Annual Report to the Congress of the United States.

In your introduction, you indicated that you will be submitting a final report with more detailed information to substantiate your recommendations. However, NACIE staff have indicated to Mr. Chris Fisher, Office of the Under Secretary, that no changes will be made in the current recommendations. Therefore, we are providing you with the enclosed Department's response to your recommendations.

Thank you for giving us an opportunity to review the preliminary report. Please let me know if you have any questions regarding the response.

Sincerely,

William Bennett

William J. Bennett

Enclosure

400 MARYLAND AVE., S.W WASHINGTON, D.C. 20202

RECOMMENDATIONS

The National Advisory Council on Indian Education recommends:

1. That the Office of Indian Education Programs (IEP) be re-established as an independent agency within the structure of the U.S. Department of Education and the Director of IEP be upgraded to that of an Assistant Secretary who shall report directly to the Secretary of Education.

   Response

   The Department believes that the Indian Education Programs should continue to be located within the Office of Elementary and Secondary Education. This organization allows for better coordination of all elementary and secondary education programs that benefit Indian children.

2. That the Office of Indian Education Programs be staffed by qualified Indian educators who have been selected to work for the U.S. Department of Education based on their expertise, knowledge, and capabilities gained from working with and for their unique Indian population.

   Response

   The Department of Education's policy is that staff vacancies should be filled on the basis of expertise, knowledge, and abilities of the applicants, without respect to their ethnic or racial identification.

3. That strengthening Indian eligibility requirements for participation in U.S. Department of Education's programs is critical to the funding process of Title IV programs, therefore, eligible Indians should contact their tribes to become enrolled members. Indians from federally recognized and State recognized tribes are eligible for Title IV services; the duly recognized tribes have the prerogative for determining eligibility and the U.S. Department of Education should acknowledge these decisions.

   Response

   The Department of Education acknowledges the diversity of tribal enrollment policies used by the federally-recognized and State-recognized tribal governments. The Department has the responsibility for determining the criteria to be used, consistent with the statute, for identifying Indians eligible under the statute. The Department seeks public comments on any proposed criteria, through the rulemaking process.

4. That the U.S. Department of Education keep intact the Indian Education Programs (Title IV) and that any proposed changes be substantiated by research and that American Indians and Alaska Natives are adequately consulted during the development of these proposals before they are submitted to the Secretary of Education and the U.S. Congress.

Response

The Department's legislative proposal for fiscal year 1988 would keep intact the Indian Education Programs (Title IV) while making certain changes to improve the administration of the program, clarify or simplify certain provisions, and make other provisions more clearly reflect current program practice. Before submitting this proposal, the Department asked for and received recommendations from NACIE and reviewed the comments and suggestions received from the Indian community during field meetings in 1986.

5. That the U.S. Department of Education have thorough and extensive consultation with the American Indian and Alaska Native constituents before there are any changes in the structure of Federal Indian education programs, and that NACIE is consulted in matters that affect the quality of Indian education.

Response

As noted in response to the previous question, the Department consulted with NACIE and considered the views of the Indian community before submitting its current legislative proposal. The Department will consult with NACIE and the Indian community before additional changes are proposed in the structure of Federal Indian education programs.

6. That additional funds are appropriated for the operation of all IEP programs, including the National Advisory Council on Indian Education, to compensate for inflationary factors in the U.S. economy so that administrative funds for projects will accommodate necessary salary increases and other contingent expenses.

Response

The Department believes that the funding level requested in the President's fiscal year 1988 budget is adequate. It does, in fact, include an increase of $198,000 for salaries, travel, and other administrative costs for both the Office of Indian Education Programs and the National Advisory Council on Indian Education.

7. That in the Title IV application process, all Title IV discretionary programs should be evaluated by highly qualified Indian panel reviewers with expertise in the Indian education field, who shall be duly compensated (for travel, lodging, and meals plus at least $100/day honorarium).

Response

The Department requests NACIE recommendations for Indian reviewers for the application review process. The Department will continue its current policy of including Indian reviewers to the greatest extent possible. In line with current departmental policy on payment of field readers, we will, contingent upon availability of funds, compensate them for their time and expenses.

8. That the Title IV Resource and Evaluation Centers continue to be funded so that they may continue to perform valuable services for Indian education.

   Response

   The Department is funding the existing five Resource and Evaluation Centers in 1987. The Office of Indian Education Programs has prepared and submitted a request for proposals for new contracts for January 1988-1991.

9. That the Indian Education Act of 1972, as amended, be reauthorized.

   Response

   The Department of Education supports the reauthorization of programs for Indian education. The Department has submitted to the Congress a legislative proposal amending and reauthorizing the Indian Education Act. A copy of the proposal has been sent to NACIE.

THE SECRETARY
WASHINGTON, D.C. 20202

APR 8 1987

Mr. Michael L. Stepetin
Chairman, National Advisory
Council on Indian Education
2000 L Street, N.W.
Suite 574
Washington, D.C. 20036

Dear Mr. Stepetin:

Thank you for the copy of The Twelfth Annual Report to the Congress of the United States, "The Indian Education Act in the 1980's - Quest for Equity and Quality."

In response to the recommendations contained in this report, I offer the following comments.

Recommendation #1:

The U.S. Congress make legislative changes in Title IV of Public Law 92-318, the Indian Education Act, as amended, that will insure a policy of "Indian Preference" in selecting staff for the Department of Education's Office of Indian Education Programs (IEP) from the Indian educator constituency. (This policy was recommended in NACIE's 10th and 11th Annual Reports and remains a vital concern.)

Response:

The Department of Education's policy is that staff vacancies should be filled on the basis of expertise, knowledge, and capability of the applicants, without respect to their ethnic or racial identification.

The Department is making every effort to identify qualified Indian applicants for vacancies in the Indian Education Programs office. Several Indian educators have been selected for positions in IEP during the last 18 months.

Recommendation #2:

The U.S. Congress make legislative changes in Title IV of Public Law 92-318, The Indian Education Act, as amended, to designate the Department of Education's Office of Indian Education Programs (IEP) as an independent agency within the structure of the U.S. Department of Education. The current position of Director of the IEP should have the same status and line of authority to the Secretary of Education as the Deputy Commissioner of Indian Education to the Commissioner of Education as is specified in Part D, Sec. 441(a) and (b) of the original Indian Education Act of 1972, P.L. 92-318. (Recommendations of this nature also were included in NACIE's 10th and 11th Annual Reports.)

Response:

The Department believes that the Indian Education Programs should continue to be located within the Office of Elementary and Secondary Education. This allows for better coordination of all elementary and secondary education programs that benefit Indian children.

Recommendation #3:

The Department of Education's Office of Indian Education Programs (IEP) continue to fund the five Title IV Resource and Evaluation Centers, as they fulfill their contractual agreements in providing valuable technical assistance to the Indian community that is designed specifically to improve Indian education.

Response:

The Department is providing support for a third year of activity under the five Resource and Evaluation Center contracts.

Recommendation #4:

The U.S. Secretary of Education work closely with NACIE in the Title IV application process of recruiting Proposal Review Readers, to insure that there are at least two Indian field readers on each panel of three readers who are selected from all 12 of the Bureau of Indian Affairs areas, so there is equal representation of the U.S. Indian constituency.

Response:

The Department invites NACIE to submit recommendations for individuals who may serve as field readers for applications submitted under the Indian Education Act. However, in order to reduce the cost of reviewing applications, the Department has established the policy of restricting each review panel to a maximum of one non-Federal reader and it no longer provides compensation or an honorarium for this service.

Recommendation #5:

NACIE continue its lead responsibility for gathering information, coordinating assistance from national Indian tribes and organizations with interests in education, and developing specific recommendations to be used in drafting legislation for all Federal Indian education programs.

Response:

The Department supports this recommendation. Recommendations and information provided by NACIE are considered by the Department in planning and assessing the Indian education programs administered by it. For example, NACIE was recently asked to submit suggestions for legislative amendments that might be proposed by the Department for the reauthorization of the Indian Education Act.

Recommendation #6:

The NACIE budget be funded at a level sufficient to meet its congressional mandates.

Response:

The Department believes that the funding level requested in the President's budget is appropriate.

Recommendation #7:

The U.S. Congress and the Administration appropriate funds to adequately fulfill the mandates of P.L. 92-318, the Indian Education Act, as amended, which includes Title IV, Parts A, B, C, and D.

Response:

The Department believes that the funding level requested in the President's budget is appropriate.

Recommendation #8:

The U.S. Congress and the Administration appropriate funds for adequate continuation of the Johnson O'Malley program operated by the Bureau of Indian Affairs.

Response:

The Department takes no position on this recommendation. The Bureau of Indian Affairs, which operates the Johnson-O'Malley program, reports to the Secretary of the Interior.

Recommendation #9:

The U.S. Congress and the Administration appropriate funds for continuation of all other federally-funded Indian education programs, including the BIA-Office of Indian Education Programs (OIEP), Library Services for Indian Tribes and Hawaiian Natives Program, Bilingual Education, Impact Aid, Vocational Education (set-aside funds for Native Americans), Chapter 1, and Handicapped Education (P.L. 94-142).

Response:

The Department supports the President's budget request for all other Department of Education programs affecting Indians. The Department takes no position on funding for the BIA-Office of Indian Education Programs, because they are not within our jurisdiction.

If you have any question regarding the response to the Council's recommendation, please let me know.

Sincerely,

William J. Bennett

OFFICE OF INDIAN EDUCATION SHOWCASE PROJECTS

ABSTRACTS

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
U.S. DEPARTMENT OF EDUCATION

OCTOBER, 1990

INTRODUCTION

In keeping with the President's declaration and the Secretary's policy to promote excellence in education, the Office of Indian Education is committed to supporting educational excellence in schools serving American Indian and Alaskan students.

In 1987, the Office of Indian Education Programs (OIE) created a recognition program of effective Title V showcase projects for their potential as model projects at the Annual National Indian Education Association conference. There are many Indian education projects suspected to be working successfully, and those recommended for the showcase projects have been identified as promising practices having a strong potential for becoming a model project. Projects were nominated either by the regional Indian Resource Centers and by Division of Program Operations in the Office of Indian Education. Grantees were invited to self-nominate their projects of they met the selection criteria listed in the following paragraph.

In order for projects to be recommended, they were required to: 1) have measurable objectives, 2) show objective evaluation data, 3) show potential to prove effectiveness, 4) have cross-cultural or cross-tribal relevance, 5) show potential for replication, 7) show potential for submission claims of effectiveness to the Department of Education Program Effectiveness Panel (PEP), and 8) show evidence of commitment to prove claims.

The following are abstracts on 10 projects selected for the 1990 Showccase projects. They are all at different stages of development as effective projects. For more information, you may contact the regional Resource Centers in your area. A Center Directory is provided at the end of the abstracts.

John Tippeconnic III, Ph.D.
Director
Office of Indian Education

OIE Effective Showcase Project
Center I Region

Salmon River Central School
Indian Education Project
Fort Covington, NY

DESCRIPTION OF PROJECT

The Salmon River Central Schools in Fort Covington, New York, are geographically located near the St. Regis Mohawk Reservation. There are 808 Native American students enrolled in the school which comprises approximately 45% of the total school population. Due to the proximity of the school district to the reservation, there has long been participation by the Native American population with the school board. This has facilitated the tribe's ability to voice their concerns and needs for their children's education.

The Akwesasne Mohawk Bilingual/Bicultural Program provides instruction in the Mohawk language and Indian history/culture to the Native American students in grades 4-12. An additional component of the Indian Education Program is the use of Home School Coordinators who closely monitor the attendance and grades of the Native American students.

WHAT WORKS EFFECTIVELY

The Salmon River Indian Education project has developed a successful working relationship with the district's school administration that has resulted in the district's decision to integrate the Mohawk culture into the regular school curriculum. To show support for the program, the district has provided additional funding for the program to hire Mohawk language instructors and another Home School Coordinator so that services to the Indian students could be expanded.

In addition to the required Parent Committee for the Indian Education program, there is an education committee which specifically addresses the needs of the Native American community. With this extensive support system, the community has been able to effectively present its ideas to the school district and develop the support of the district in promoting and expanding the programs.

WHY IT WORKS

The Salmon River Indian Education program may be unique from other public school programs in that all of the primary service providers in the project are from the nearby reservation.

In addition to the counseling and instructional services that the staff members impart, the Mohawk students can also identify with these Indian role models which has made their presence within the school system doubly beneficial. While it is vitally important to have Mohawk Indian parents on the Salmon River School Board of Education, it is equally important, and far more visible, for students to see Mohawk people as teachers, counselors, coaches, and club advisors.

One of the main goals of the program is to improve the self-esteem of the Native American students. In addition to the bilingual, Mohawk history and culture classes that are provided to both the Indian and non-Indian students, the school has also developed a "Student Performance Incentive Program" that directly addresses the academic performance and attendance of the Native American students. The program recognizes and encourages Indian student performances by sponsoring 10 week quarterly events that provide incentive to Indian students in grades 6-12 to earn perfect attendance or honor roll standing for the 10 week quarter. Each quarter provides every Indian student in grades 6-12 an opportunity to participate in the event by virtue of perfect attendance. At the same time, academic achievement is also stressed and encouraged. These components are supported through the services of the Home School Coordinators who regularly monitor and follow up on the students' attendance and academic achievement.

HOW IT WORKS

In coordination with the school system's new Superintendent and Assistant Director of Instruction, the school is striving to offer the Mohawk language course to the non-Indian students and incorporate aspects of the Mohawk culture into the regular school curriculum. The District has provided additional funding for the language program in order to broaden its scope and enable the project to also serve non-Indian students as well. Under the supervision of the Assistant Director of Instruction, classroom teachers were asked to develop a cultural curriculum which might be integrated into the regular school curriculum. While several instructors from various grade levels are interested in this project, a group of enthusiastic second grade teachers developed a possible curriculum titled "Integrating the Mohawk Culture with Social Studies, Science and Creative Writing." This program is under review, and participation is anticipated from other grade levels.

HOW THE PROJECT HAS PROVEN ITS EFFECTIVENESS

There is no question that the Indian Education Project has had valuable impact at Salmon River. The project staff members have contributed to dramatic gains in Mohawk student performance and achievements. For example, since the program began at Salmon River in 1972, the overall dropout rate among Indian students decreased from 57% to 6%! More and more Indian parents have had their children transfer to Salmon River, in no small part due to the presence of the Mohawk Teachers and coordinators who have worked in the school since the Indian Education program.

The numbers of Indian students at Salmon River continues to rise as evidenced by the annual Indian student count FY84 - 580, FY85 -610, FY86 - 678, FY87 - 750, FY88 - 820. This trend is expected to continue. Not only are more Indian students coming to Salmon River but they are staying in school, graduating and going on to college or the Armed Forces. Statistics provided on the students in the past five years are provided as follows.

Class	*# of Mohawk Grads.*	*College Bound*	*Armed Forces*	*% of Total*
84	*26*	*13*	*1*	*50*
85	*27*	*11*	*2*	*48*
86	*21*	*10*	*2*	*62*
87	*35*	*16*	*4*	*57*
88	*33*	*24*	*2*	*79*
**89*	*32*	*25*	*1*	*78*

** Figures projected as 04/28/89*

There is presently an encouraging shift in Indian student attitudes toward school in general and Salmon River in particular. Through efforts of the school administration, the school staff, Title V and other federally funded programs, more Indian students are setting their sights on professional and blue collar careers. A greater number of Indian students are showing up on the school honor roll rosters; Indian students attendance has improved; and more Indian students will be receiving New York state Regents diplomas than ever before.

WHAT MAKES THE PROJECT UNIQUE

The degree to which the project has been able to gain the support and commitment of the school district outside of Title V is what makes Salmon River unique. Through the involvement of concerned parents and the tribe, they have proven that participation can make a difference in their children's education.

OIE Effective Showcase Project
Center I Region

Mississippi Band of Choctaw Indians
Philadelphia, Mississippi
Ed Gibson, Presenter

DESCRIPTION OF PROJECT

The Mississippi Band of Choctaw Indians has operated a Title V Indian Education Act grant addressing adult education needs since 1975. Adult education, however, has been targeted as a priority for the Tribe since the early 1970's when the Tribe adopted its policy of self-determination. The project serves 386 Choctaw adult students in 28 separate classes based throughout the eight Choctaw communities. Classes are held both days and evenings in order to accommodate all interested students.

The four primary components of the program are: 1) GED preparatory instruction, 2) occupational awareness instruction; 3) consumer education; and 4) basic computer familiarity instruction.

WHAT WORKS EFFECTIVELY

The continuity of 18 years of uninterrupted service to the community, has allowed the project to grow and respond to community needs as they have developed. As the Tribes's employment opportunities have changed, so have program activities.

Supportive services have also played a key role in keeping the program accessible to a majority of the targeted population. These services include transportation, some child care. and recruitment and retention procedures. Additionally, counseling services are provided by program staff.

Due to the prevalence of the Choctaw language in the community, instruction is largely bilingual. All of the program staff are Choctaw and fluent in the Choctaw language. This has given the program a unique sensitivity to community values, and allowed for the development of a strong rapport between the staff and the community. Tribal commitment to developing professional educators from within the Tribe has resulted in several members of the adult education paraprofessional staff having completed degree programs themselves, thus providing positive role models for their students.

WHY IT WORKS

A unique characteristic of an adult education program is the "volunteer" status of its participants. Unlike high school, student enrollment in the program is not mandatory. It is the student's interest and commitment to the work that determines the program's success. The Choctaw community members have proven to be highly motivated in their participation in the adult education program. They have consistently utilized the project, finding in it those missing qualities which hindered their success in a mainstream educational program. In some cases, students who have completed the program have returned to classes, in an effort to maintain and/or improve their newly acquired skills.

Another important factor in the success of the program has been the dedication of its staff. For instance, staff work out an individualized learning plan for each student. Unlike many other educational programs, adult education is not always standard in its operation. Due to the scheduling needs of an adult student, classes are most often held in the evening; therefore staff must be available both day and night. Additionally, staff must be prepared to deal with any of the many situations encountered by the adult student, thereby requiring them to serve as social workers/counselors.

HOW IT WORKS

In addition to the funds received from the Office of Indian Education, the project receives Bureau of Indian Affairs monies which support the English language instruction, adult basic education, and drivers' education components of the program. The Choctaw Tribe provides various in-kind services which allow for the efficient administration of the program.

Adult education classes and staff are located in buildings provided by the Tribe at each of the community sites. Day and evening open-entry/open-exit classes are held in each community, with classes meeting two evenings and one day per week. In some of the larger communities, day classes meet two or three times a week. Field experiences for adults are scheduled daytime activities. Consumer education and occupational awareness education events, such as resource speakers and mini-workshops, are held for both day and evening classes.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

Four methods are used to assess the program's effectiveness in meeting its objectives: 1) record keeping of the number of individuals participating per objective; 2) documentation of the standard teacher assessment of objective attainment per individual; 3) performance on teacher-made tests or GED practice test; and 4) performance on the two administrations of the Test of Adult Basic Education (TABE).

Additionally, an evaluation of the program's impact is performed, focusing on both individual impact and community impact. The individual's impact is assessed through case studies, asking for the participant's reaction to the program; suggestions for program improvement; current activities; and evidence for success which could be attributed to program participation. Community impact is assessed through the analysis of program participation versus various community statistics, e.g. college attendance. Further information gathered is based on an informal survey of Tribal leaders from each community.

To date, 461 Choctaw adults have earned a GED certificate through the Choctaw Adult Education Program, a figure which represents 58 percent of all Choctaw adults who have a high school education. Hundreds more have acquired basic academic skills and improved their educational/occupational skills.

WHAT MAKES THE PROJECT UNIQUE

In the early 1970's, the Choctaw Tribal Council made adult education a priority for its members. It has remained committed to that decision by providing a well-structured, culturally-sensitive program guided by a staff of dedicated Choctaw educational professionals and para-professionals who have served not merely as teachers, but as role models for their students. This rapport between staff and community has proven invaluable in making the Choctaw Adult Education Program a success.

OIE Effective Showcase Project
Center II Region

The Cass Lake-Bena Indian Education Formula Grant Program
Independent School District #115
Cass Lake, Minnesota 56633
Judy Hanks, Director of Indian Education

DESCRIPTION OF PROJECT

The Cass Lake-Bena Indian Education Program has been in operation since 1972, providing for the needs of Indian students attending district schools. The Cass Lake-Bena School District #115 is located within the boundaries of the Leech Lake Indian Reservation approximately twenty miles east of Bemidji, Minnesota. The present student enrollment in grades Pre K-12 is comprised of 67% Indian students, and 33% non-Indian students. Total school enrollment is approximately 870 students.

Currently, some of the supplementary services and programs that are provided for Indian students through the Indian Education Program include: One-to-one and Group Counseling; Tutorial Assistance; Indian Club; Quarterly Newsletter; Referral Services: Home-School Liaison Services; Recognition and Incentive Activities; Ojibwe Culture Activities; Chemical Dependency Resource Library; Drum Group; Post-Secondary Preparation Services; Ojibwe Language and Culture Instruction: Native American and Ojibwe History and Culture Instruction; Technical Assistance for Teachers and Administration; Drug Abuse Prevention and Awareness Curriculum; Attendance Monitoring Program; Student Mentor Program.

WHAT WORKS MOST EFFECTIVELY

The Ojibwe Language and Culture program has been identified as having several successful components. The most effective elements are its curriculum and teaching strategies, as indicated by the results from the pre and post tests administered to students involved in the program.

A less measurable, but an equally important aspect of the Ojibwe Language and Culture program component has been the development of a better understanding of Ojibwe culture by non-Indian students. It is suspected that this has helped to increase a more positive relationship between Indian and non-Indian students. Another successful element is the Drum Group which has not only been very active and visible but has been acting as an ambassador for Indian culture in the community. The Native American History and Culture classes, Ojibwe language classes, Indian Week, and the Drum Group have helped students see the relevancy of their culture to the educational program services. Native American students are able to study aspects of their Indian heritage, and non-Indian students are provided an opportunity to learn more about Native American culture.

An important aspect to note is that no one component functions by itself in a microcosm, rather, it is a cooperative effort involving all program staff. This insures that services are not duplicated, and the greatest benefit is realized with financial efficiency. The program annually conducts a needs assessment to ascertain the relevant need areas to be addressed.

WHY IT WORKS

The Cass Lake-Bena Local Indian Education Committee, Inc. (L.I.E.C.) and its subcommittees work cooperatively with program staff in designing the needs assessment, in the development of goals and in conducting program evaluation. The program staff has a high level of demonstrated commitment to the program, and a comprehensive knowledge of the program and the community. The most important quality demonstrated by the staff is their ability to communicate and to work with Indian parents and the district's predominantly non-Indian staff. In recognition of the director's own personal commitment to educational equity, the Department of Education presented a Minnesota Excellence in Educational Equity Award to Judy Hanks in 1987.

The L.I.E.C. serves as the advisory board for all program grants. Fourteen members serve on the committee consisting of 9 Indian parents/guardians, 2 teachers, 1 counselor, and 2 secondary Indian students. The L.I.E.C. serves as the advisory board for the American Indian Language and Culture Education Program (AILCE), the Post Secondary Preparation Program (PSPP), Public Law 81-874, Title V Program, and a private grant from the Blandin Foundation. The L.I.E.C. also administers the Johnson O'Malley Program for the district.

The program claims a significant reduction in the student dropout rate, which is now at a low of 16.1% for Indian students in the district. The overall dropout rate is now 9.5%.

HOW IT WORKS

The Ojibwe Language and Culture components target all students in grades K-9 in the traditional classroom setting; instruction is provided by the Ojibwe Language Instructor, who is Native American. Native American Language, Culture, and History classes are offered as electives to all students in grades 10-12. THe senior high electives taught by the History and Culture Instructor can be applied towards required graduation credit. The program also provides tutoring on a one to one and group basis.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

The Ojibwe Native American curriculum has been recognized by the National School Board Association as an effective curriculum. The curriculum was recognized as one of 100 "Winning Curriculum Ideas" out of 1000 submissions. All students participating in a given class are pretested at the beginning of each quarter, and post-tested at the end of each quarter, to measure the effectiveness of the teaching methodology and curriculum retention. The following are mean pre and post test scores of classes taught through third quarter 1989-90:

GRADE	PRE	POST	CHANGE	N
1	58.5%	92.3%	33.8$	47
2	18.1%	59.0%	40.9%	48
3	41.4%	73.4%	32.0%	63
4	28.9%	71.1%	42.2%	56
5	20.4%	49.8%	29.4%	49
6	37.6%	62.0%	24.4%	46
7	40.0%	77.5%	37.5%	49
8	31.8%	61.4%	29.6%	38

Senior high students (grades 10-12) had the following eight Indian Studies semester classes to choose from as electives: Ojibwe History; Contemporary Indians in Minnesota; Eastern Tribes of North America; Ojibwe Language and Culture; Western Tribes of North America; Native American History; and Ojibwe Literature. The first semester 1989-90 Indian Studies classes yielded:

CLASS	*PRE*	*POST*	*CHANGE*	*N*
Ojibwee History	*20.9%*	*82.4%*	*61.5%*	*7*
Eastern Tribes of N.America	*26.0%*	*83.4%*	*57.4%*	*14*
Indians in Minnesota	*25.4%*	*90.0%*	*64.6%*	*9*

Changes in the drop-out rate for Indian students are as follows:

School Year	*Drop Out Rate*
1982-83	*60.0%*
1983-84	*25.0%*
1984-85	*40.0%*
1985-86	*28.6%*
1986-87	*28.2%*
1987-88	*22.2%*
1988-89	*20.0%*
1989-90	*16.1%*

The dropout rate is determined by tracking the originally enrolled 9th grade class through a multiyear tracking system. For example, of an original class of 63 students, 32 were Indian students. Of those students, 5 dropped out of school either here in Cass Lake, or at the school to which they transferred. This yields a dropout rate of 16.1%. Using this method, the confounding effect that students transferring has on the dropout rate is nullified.

The longitudinal data collected to date, in addition to staff daily contact logs, G.P.A.'s, Stanford and Iowa test scores, and attendance monitoring statistics allows us to perform correlation analyses and other statistical tests to aid in monitoring and strengthening our methods.

WHAT MAKE THE PROJECT UNIQUE

The Indian Education Program is recognized as an integral component of the Cass Lake-Bena School System, which is comprised of approximately 67% Indian students. The close, ongoing partnership among Indian Education Program staff, L.I.E.C. members, school board, district teachers, and administration provides for the successful district-wide integration of project services and programs. Many of our project's services are supplemented by district funds in order to further provide services to all students, Indian and non-Indian alike, thereby eliminating segregation and promoting racial harmony.

OIE Effective Showcase Project
Center II Region

Sioux City Community Schools
Indian Education Project
Sioux City, Iowa

DESCRIPTION OF PROJECT

The purpose of the Indian Education project is to improve the attendance, academic performance, and dropout rate for 428 Indian students currently enrolled within the Sioux City Community Schools. Sioux City is located on the Missouri River. According to the 1980 census figures, there are 82,000 people residing in Sioux City. It draws its urban Indian population from three area reservations located in Nebraska--Winnebago, Omaha and the Santee Sioux. The school-age population for 1990-91 stands at 13,300 students. During the current school year, approximately 428 Indian students will be served through the Indian Education project. These students represent 3.2% of the total school population attending 30 public schools within the district.

There are over 30 individual tribes represented within the Indian student population.

WHAT WORKS EFFECTIVELY

The Sioux City Community Schools have found that the most effective approach to increasing the academic achievement levels of the Native American students is through one-to-one tutoring sessions conducted during the school day. The tutoring program includes ten tutors who visit the various schools within the district and provide services to over 200 students per year in all grade levels.

A Home-School Coordinator closely monitors the school attendance of the Native American students experiencing attendance problems. This approach has aided the students with attendance problems and those at risk of dropping out of school. The Home-School Coordinator conducts home visits and works closely with the parents and the school to improve the attendance problems of students. An attendance incentive program has also been implemented to recognize students whose attendance is at a desired level.

The Sioux City Community Schools have also developed student assistance teams at each school to insure that a student's special needs are identified and are being met.

WHY IT WORKS

The design of the tutorial program meets a critical need of many of the Native American students. The tutors are able to provide tutorial assistance in a variety of academic areas and work closely with the teaching staff to implement an effective and meaningful program.

Cultural sensitivity training is also conducted at the beginning of the school year for all incoming tutors.

The Home-School Coordinator works closely with the tutors, school principals and staff, and parents in order to improve student attendance and reduce the Native American student drop out rate.

HOW THE PROJECT WORKS

Before students receive tutorial services, a request for tutoring form must be completed by either a teacher, counselor or parent. Parents acknowledge the need for academic tutoring by signing and returning the form. A tutor is assigned to design an individual tutoring schedule for the student, in cooperation with the teacher. Tutors also keep attendance records for the students they serve, and make referrals to the home-school coordinator when a student is experiencing attendance or tardiness problems. Contact logs are completed by each tutor in an effort to maintain an accurate account of the academic progress made by each student. Contact logs are turned in on a weekly basis to the Program Director who reviews individual reports to determine if additional support services are needed.

Tutors meet on a monthly basis for inservice training and to discuss any program concerns.

HOW THE PROJECT HAS PROVEN ITS EFFECTIVENESS

Absenteeism of Indian students was monitored and reported on a quarterly basis by the Home/School Coordinator for 1988 & 1989.
Eighty-five students were identified as the target population needing to improve school attendance. Twenty-eight percent of the targeted population (61 students) showed improved attendance. The following list shows the number of students who improved, did not improve, transferred out of the system or dropped out of school:

Dropped out = 4
Graduated = 2
Transferred to schools outside Sioux City = 20
Showed attendance improvement(<12 absences) = 11
Showed marginal improvement (<18 absences) = 5

The target group changes significantly from year to the year due to high mobility of students. Data was provided on 61 students for the two years. There were also 136 Indian students registered in the system who received attendance awards for no more than seven days absence.

The following table shows the drop-out rates from 1982-1989.

NATIVE AMERICAN STUDENT
DROP OUT RATES-SIOUX CITY
COMMUNITY SCHOOLS

	Drops/Enrollment			
Year	Number of Drop Outs	% Of All Drops	% Of Enrollment	Ratio
1982-83	16	11.4	2.5	4.6
1983-84	12	7.5	2.8	2.7
1984-85	12	6.3	2.8	2.25
1985-86	5	4.3	2.5	1.7
1986-87	18	9.4	3.2	2.9
1987-88	22	12.4	3.4	3.6
1988-89	18	8.0	3.2	2.5

In contrast to school years 1982-83 through 1987-88, the Indian students in 1988-89 school year made up 3.2 percent of the school population and constituted 8.0 percent of all drop outs. The drop out rate was 2.5 times more than expected when compared to the total school population. If all conditions were equal, the Indian students would make up 3.2 percent of all drop outs. This is a significant improvement over the previous two years in terms of the greater ratio of Indian students who dropped out of school. The dropout rate of Native Americans in grades 6-12 fell from 8.9 percent last year to 6.6 percent in 1989, but four elementary drops (students leaving but no request for records) caused the overall rate to be inflated. If one looks at the eighteen K-12 dropouts in relation to the 504 Indian students identified in the Sioux City schools, the resultant percentage (3.5%) compares very favorably with other programs.

WHAT MAKES THE PROJECT UNIQUE

The services offered through the project are similar to those provided by larger school districts with a large Native American student population whereas, the Sioux City Community Schools' Native American population comprises only 3.2% of its total school enrollment the degree and level of services which the Sioux City Community Schools provides to the Native American students through its Indian Education Project is achieved primarily due to the coordination of the Title V Program and the Johnson-O'Malley Program. This cost-share approach allows both programs to utilize their resources and capabilities while maximizing the supplemental support services which are needed by the Native American students.

BEST COPY AVAILABLE

OIE Effective Showcase Project
Center III Region

Kelso Indian Education Formula Grant Project
404 Long Avenue
Kelso, Washington 98626
Dena Taylor, Coordinator

PROJECT DESCRIPTION

The Kelso Indian Education Program serves eligible Native American students in the areas of tutoring, cultural awareness, self-esteem, and values building. The program also works to sensitize the community and the school to the special needs and history of the Native American. There are currently 276 eligible students registered with the Kelso Indian Education Project.

WHAT WORKS MOST EFFECTIVELY

Tutoring on a one to one basis with students referred to the project by teachers, counselors, parents, or students has been effective in meeting the academic needs of the student, at a level that is visibly reflected by full confidence, positive rapport with school faculty/staff, and concentration on specific tasks.

Culture classes are carefully planned to include history, Native music, legends, as well as crafts. The inclusion of parents and interested community members has greatly enlarged the population's interest in the Native culture. Self-esteem, through pride of heritage, successful completion of projects, and positive interaction with adults has increased significantly, causing a definite positive change for those attending the culture classes.

Culture and historical presentations given to classrooms at a teacher's request have helped to provide Native American students with a more positive image.

A monthly newsletter includes information on meetings, pow wows, higher education, job opportunities, health care. It also serves as the District's link to the Native American community and keeps School District officials and others informed about our project.

A resource center houses books available for check-outs by the teachers, parents, and students. The media center provides teachers the privilege to check-out hands-on items, craft idea books, and a small tipi. This interest in Native American culture has accelerated and permeated the school environment. A values program for teens is presently underway and is receiving favorable feedback.

WHY IT WORKS

Individual student needs are assessed. Appropriate strategies on applications for meeting the identified needs are developed by teachers, tutors and project director within the list of treatments approved for the year by the Parent Committee. Inclusion of parents, teachers and students in the implementation of this program's components is the one strategy credited with the greatest power of positive change. Parent Committee support and advice contribute significantly to the program's success.

HOW IT WORKS

Tutorial: Students are referred by teacher, counselor, parent, or self. Student's needs are identified by tutor's contact with the teacher and parent. Pre and post tests are administered using Brigance or WRAT-R, with Modality tests given, if necessary. Students are tutored on a one to one basis. Progress reports are kept in student files, and reports from tutors are given at each Parent Advisory Committee Meeting for evaluation of progress.

Culture Class: Classes are carefully planned to be multi-faceted and to insure student interest. Attendance and curriculum records are kept for monitoring of delivery and planned results. The classes include an Awards Potluck and a Community Awareness Day Pow Wow as well as a culturally related field trip thats provides a positive social experience in cultural education.

Dissemination of Information: Monthly newsletter are sent to the parents of all students registered with the program, to interested Native American Community members, and to all School District officials.

Resource Center: Materials are made available to all teachers, parents, and students including post-graduate students working on minority study programs, for the purpose of stimulating integration of Native American history, art and culture to school life in a way that staff and students can relate positively to.

Census Flyers: Forms are sent home with each child in the District to help establish eligibility for the program and to serve as an informational sheet to Non-Indian families.

HOW THE PROJECT PROVES IT EFFECTIVENESS

This project maintains an array of informational data on students served including pre and post test evaluations using the Brigance Inventory of Basic Skills or WRAT-R, and Modality test results. Teacher/Parent inputs are solicited, student scores, grades, and absenteeism rates are reviewed. This wealth of informational data is the source for formative evaluations geared at assessing both performance and effectiveness levels.

WHAT MAKES THE PROJECT UNIQUE

There are three components that make this program unique. The first is the weekly meeting of a teen group offering a values based curriculum that includes decision making, goal setting, family values, and communication skills. The program has been extremely effective according to the positive comments from parents. The success of the group has been shared with other important projects within our district.

The second unique component is the culture class. These two hour sessions are held weekly from March through May. While class content includes Native history, films, legends, and a hands-on-craft. The class composition provides the program's strength in addition to its open door policy which allows parents and interested community members to attend the sessions. The teaching of culture becomes a part of family life that is shared by the parent and child. The children see and are impressed by the interest of all adults present.

The third unique component lies in the area of community awareness. Presentations complete with regalia, artifacts, and replicas of Native American art, etc. have been made available to classrooms, church groups, scout troops, and community clubs, in the sharing process. Participation in community projects such as "The Day of the Child" at the Triangle Mall has become an important outreach tool to answer questions about the Title V program. An "Indian Box" is provided for the Kelso district which contains approximately 35 useful things for classroom display, teaching, and hands-on. Included with the box is a small tipi that creates a quiet place for students to read, reflect and experience. This box is checked out by teachers within the district and has proven to be an important teaching tool. Because of this increased visibility strategy, the cooperation of teachers and all other associates is growing steadily.

MEASURES USED

In-house pre-test and post-test instruments are used to measure the effect of the treatment upon the participating students. Additionally ongoing evaluations of worthiness are solicited from students and parents. Quarterly meetings of tutorial staff provide the basis for ongoing improvements to the program. A quarterly progress report is sent to the LEA office. A final program evaluation is conducted on the basis of this cumulative evidence by an approved evaluator, followed by a comprehensive review by the Parent Committee. The results are used each year in formulating the new proposal.

OIE Effective Showcase Project
Center III Region

Life Quest: A School Success Project
Seattle Indian Center
611 12th Avenue, South
Seattle, Washington 98144
Bev Archambault, Project Director

PROJECT DESCRIPTION

Life Quest is an Indian Education discretionary grant program designed as a special dropout prevention project that focuses on intervention activities for at-risk Indian Junior High and High School students enrolled in public, tribal and alternative schools in urban, suburban, on and off Reservation settings.

Starting by offering a curriculum tailored to the special needs of Native American High School girls, the program provides during and after school hours, a life coping and survival skills course of study that reinforces traditional Indian ways and values.

The curriculum is presented in two separate handbooks, one for the teacher and another for the student. Life Quest contains ten units of study organized in two main sections - "Self-Awareness and Self-Care" and "Knowing my Options: What Path(s) Will I Take? "Typical unit topics are: friendship, values, personal responsibility, stereotyping, sex roles, personal power, healthy lifestyle, stress management, children of alcoholics, substance abuse, teen suicide, fetal alcohol syndrome, assertiveness, conflict negotiation, human sexuality, human and sexual anatomy and physiology, sexually transmitted diseases, goal plans, decision-making models, scheduling, career awareness, higher education and family planning - all requiring survival and life coping skills.

WHAT WORKS MOST EFFECTIVELY

By order of importance, the most effective factors in Life Quest are: instructional method or curricular concept; staff training in alternative instructional techniques and perspectives for Native American students; data collection and analysis regarding student and teacher needs, performance and reinforcement; dissemination of information; pilot site selection for testing program flexibility and adaptability to a Native American male population in a variety of social contexts.

In substance, because the survival and life coping topics of the curriculum are woven together with Native American legends, poems, affirmations, creative visualizations, short stories and historical information, the instructional method or curricular concept carries most of the effectiveness weight. By digging the Native American life model out of the past into the present and projecting it into the future, the student becomes the topic of study. Because general literacy is the tool used by the student to perform self-discovery and carve a future, regular school education becomes an ally rather than an alienating mandate.

WHY IT WORKS

The curriculum and its delivery method are based on the belief that every student experiencing Life Quest is a person of intrinsic value, who has unique experiences, abilities, and skills upon which to build. When regular education is built upon them and when the student learns to cope with everyday life and make conscious choices, the student will be better able and motivated to high school education.

The personal experiences, self recognition of abilities and skills, including use of traditional values and culture, causes a sense of ownership of the curriculum by the student and moves the Instructor to build from a position of strength at minimizes alienation of the student.

HOW IT WORKS

Life Quest accomplishes a complete ownership of the educational life coping skills curriculum and the non-alienating (through intervention) education by the student for confident living in three ways: a) it encourages high school girls to develop coping and survival skills that successfully prompt them to operate in a bicultural world and to handle more of the circumstantial requirements of everyday life, b) by encouraging the participants to view themselves as persons that hold decision-making power and responsibility in their daily, present and future lives; and c) by reinforcing traditional Native American values in such a way that the participants develop and or reaffirm a sense of cultural pride and self-esteem.

As a project that seeks to increase regular school curriculum's ability to improve the Native student's rate of success in school and life management, through the above methodology, the first phase of operation entails the pilot-testing of a unique curriculum designed to help Native youth remain in school and successfully graduate from High School. The second phase of the project entails a data-based revision of the curriculum to render it effectively applicable not just to young Native High School women but to young Native men as well. Presently, 74 students have been served at six different test sites in a variety of contexts; urban, suburban and reservation, in Western Washington.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

The Life Quest Curriculum is easily adaptable and responsive to the demands of variously contested life coping situations it provides, cultural representation in education and a sense of individual identity for students. During one year of operation at various sites, it has reduced the dropout rate of 74 Native American students from 56.7 to 20.3 percent overall across the six test sites.

A preliminary analysis of the pre-post-test results, testimony from participants, and instructor observations reveals high potential of the Life Quest curriculum in: formatting parental and community involvement in education; promoting school administrators; forcing creative management of valuable resources; responding to gender-specific needs and outlooks in life coping education. Further studies are expected to demonstrate a higher than average degree of effectiveness.

WHAT MAKES THE PROJECT UNIQUE

"LIFE QUEST- A SCHOOL SUCCESS PROJECT" is a unique intervention tool which, generates a deep sense of ownership of the curriculum and self-esteem in the student. Through the culturalized study of daily survival and life coping skills, Life Quest appears to increase retention in school during the critical years of completion, without alienation and in dramatic levels.

Life Quest instructors are trained in both curricular content and delivery method. Such a preparation allows for a development of a unique bond between the student and the teacher. As the focus of the topic in on the student, each individual student develops a unique vested interest in his or her studies throughout the course. Because of its command of personal and local flexibility, the project stirs and condenses a high level of community involvement, generating a unique bond with the student. Thus, the overall self-awareness and self-expression in the school community generates a sense of belonging that is high enough to result in dramatically high levels of school retention and completion in the varied urban, semi-urban and reservation environments.

OIE Effective Showcase Project
Center IV Region

American Indian Teacher Education
Humboldt State University
P.O. Box 1185, Arcata, California 95521
Lois J. Risling, Coordinator

PROJECT DESIGN

The project is designed to prepare American Indians and Alaska Natives to serve Indian and Alaska Native students as teachers and other ancillary educational personnel. The project will enable 20 Indian and Alaska Native students per year for three years to achieve Bachelors' and/or Masters' degrees and/or California teaching credentials. Two hundred (200) additional students will be prepared to understand the cultural behavioral characteristics of Indian students and also will be instructed in multicultural methods to teach the "basics" in the dominant society so students may function successfully without sacrificing tribal identity.

WHAT WORKS MOST EFFECTIVELY

Several functions of the project work very effectively: socialization, fieldwork, monitoring, remedial academic, counseling, outreach, placement, special courses, and community.

HOW IT WORKS

SOCIALIZATION: Indian project participants learn new customs, duties, practices, expectations, and traditions that will be impinging on them in a classroom and in an educational system largely administered and staffed by non-Indians. FIELDWORK: This is a practicum which starts with observing and assisting in the classroom, and gradually moves to actual teaching or counseling. MONITORING: This component closely follows student participants' academic progress, classroom experiences, social relations, and internships. REMEDIAL ACADEMIC: The program provides assistance for students who may need help with math, science, language, and other subjects. Since few departments on campus provide these services, the project provides them. COUNSELING: Guidance is given to students on career options, major fields of study, courses to take, and a host of other areas. OUTREACH: This component focuses on recruitment and screening of student participants and applicants for the project. PLACEMENT: Students are given preparation for and help in finding a position in their chosen professional field. SPECIAL COURSES: The content of these courses is designed to meet the special educational and cultural needs of American Indian children and adults. COMMUNITY: Outreach educational training includes teacher aides and teachers. Interaction with community is achieved through the contact with the Advisory Board.

WHY IT WORKS

The project strictly adheres to student policies that require the recruitment of program participants who indicate educational and career interests in working with Indian people in schools and/or other educational related positions. The project provides to all students a supportive environment for training and instruction which strongly emphasizes cultural awareness and community involvement.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

Twenty (20) American Indian students are enrolled in a course of study at Humboldt State University and are provided with individual monitoring and financial assistance.

> *75% of these students have a course completion rate of 15 units per semester.*
>
> *75% of these students have 75% retention rate during the project year.*
>
> *80% of these students enrolled in the special emphasis courses.*
>
> *80% of these students attended Summer institute sessions.*
>
> *75% of these students averaged 6 hours of fieldwork per week per semester.*
>
> *80% of the graduates were placed in jobs.*

WHAT MAKES THE PROJECT UNIQUE

The project integrates theoretical study through regula matriculation during the academic school year with an applied instructional methodology facilitated by an academic year fieldwork requirement. The project trains in the substantive subjects pertaining to Indian education and provides special courses that focus on foundations designed to meet the cultural needs of Indian children.

OIE Effective Showcase Project
Center IV Region

Career Awareness and Academic Planning
Phoenix Union High School District
2526 W. Osborn Road, Building #2, Phoenix Arizona 85017
Sam Mackey, Coordinator

PROJECT DESCRIPTION

The Career Awareness and Academic Planning Program is designed to meet the needs of Native American students attending the Phoenix Union High School District schools. The Phoenix Union Native American Program serves students, grades 9-12, from over ten different tribal entities. The major goal of the program is to give students a reason for attending high school in order to prevent them from dropping out of school. Through career awareness, goal setting, educational expectations, and careful academic planning, students understand the importance of regular school attendance. The project was developed to meet the needs identified from a parent/student need survey.

WHAT WORKS MOST EFFECTIVELY

The most effective component of the program is the personal attention provided to incoming students. The 9th grade students and their parents are personally contacted to discuss student career choices and academic planning. In conjunction with academic records and vocational interest inventories, a four year academic plan is developed for each student. Students and parents also attend a seminar on how students can be successful which outlines high school expectations, such as rules and regulations, important dates, financial responsibilities, and extra-curricular opportunities.

WHY IT WORK

There are four factors that are responsible for the program's success. The first factor is that we are pro-active. We seek potential high school students while they are still in the 8th grade feeder schools. We do not wait for them to show up on our high school campus before we start working with them and their parents. Second, we provide a personal, face-to-face contact between the Native American Counselor and the parent and student. Third, we provide both the student and the parent a common-sense rationale for the student to stay in school. These three factors combine to make a powerful statement to students and parents. "We care about the students, and we want them to be successful".

Finally, the fourth factor is the most important - careful follow up. The parents and students can depend on the counselors to follow through on commitments made by counselors.

HOW IT WORKS

Each spring all potential Phoenix Union High School District students are given an examination and the Native American counselor meets with all the Native American 8th grade students who will be attending Phoenix Union High School District schools. This requires a personal visit to over twenty feeder schools. During this visit, the students meet the counselor and discuss high school expectations. The students are given an interest inventory. The results of the interest inventory are compiled, and the students receive a personal letter from the Native American counselor explaining the results of the interest inventory, and indicating that the counselor will meet with the student and the parent during the summer. The next step is a summer meeting when the counselor, the student, and the parents cooperatively plan the next four years of the student's educational life.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

Since a true longitudinal study is not possible at this time, it is helpful to look at the following data in split halves. The 1st half consists of all students, grades 9 through 13, from 1983 through 1988. Also included in this half are: 10th graders from 86-87; 11th graders from 86-87, 87-88; and 13th graders from 86-87, 87-88, and 88-89. Those latter grades can include in the 1st half because none of these students were ever exposed to the summer counseling sessions. During these years, the students from the 1st half had a dropout range from a low of 21.7% to a high of 31.5%.

The second half of the data includes students where a majority received the summer counseling sessions. These include: 9th graders from 86-87; 9th and 10th graders from 87-88; 9th, 10th, and 11th graders from 88-89; and 9th, 10th, 11th and 12th graders from 89-90. The students from this half had a dropout range from a low of 8% to a high of 23.3%.

Statistically from 1983 through 1986 the dropout rate by grade level shows very little trend toward improvement. In contrast, the 2nd half of the data, beginning in the 9th grade year of 1986, shows a dropout rate which declines significantly by grade level.

Another way to review the statistical data is to look at the total dropout rate. This is a positive trend toward a lower dropout rate from a high in the 83-84 school year of 26.4% to a low in the 88-89 school year of 17.3%.

Number and Percentage of Dropouts by Grade
1983-84 to 1989-90

	1983-1984		*1984-1985*		*1985-1986*		*1986-1987*		*1987-1988*		*1988-1989*		*1989-1990*	
Grade	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
9	47	25.0	57	27.3	46	22.2	25	14.0	24	13.5	17	8.0	28	13.0
10	33	23.7	44	25.7	50	24.0	51	27.1	30	18.2	38	17.8	33	17.2
11	35	31.5	30	22.6	45	29.0	47	28.1	36	25.4	31	16.4	30	17.8
12	35	25.9	46	27.9	48	30.2	47	25.7	49	25.5	48	21.7	49	23.3

The dropout statistics were obtained from the district Research and Evaluation Division. A formula is used in computing the dropout rate so that dropouts are not counted more than once.

WHAT MAKE THE PROJECT UNIQUE

The project is unique in that it meets the needs of a large population of students who are spread out over eight major comprehensive high schools, in a large metropolitan area. The project meets their specific academic and vocational needs in a very personal and friendly manner. The project imparts the feeling that the school district cares enough to send school staff to make a personal visit in the home.

OIE Effective Showcase Project
Center V Region

Maryetta School
Indian Education Formula Grant Program
Route 4, Box 413
Stilwell, Oklahoma 74960
Carthel Means, Principal

PROJECT DESCRIPTION

Maryetta, a rural dependent school located in northeast Oklahoma, serves 435 children in grades preschool through the eight grade. Eighty-two percent (82%) of Maryetta's enrollment is of Cherokee Indian descent. Over ninety percent (90%) of the students come from low-income families.

Maryetta's Indian Education Program serves students in K-2nd grades through a language improvement program with bilingual, cultural, and psychomotor activities including both fine and gross motor skill development. Preschool students are included through supplemental funding. The project is designed to emphasize language skills development by combining a psychomotor skill curriculum, cultural activities, dual language instruction and the language arts. Language skills activities are reinforced by psychomotor activities. Oral Cherokee/English language development instruction assists Cherokee students in acquiring the necessary foundation of basic skills to become fluent in both languages. Cultural activities involve drama, music and art. Fields trips are educational and beneficial to the overall program.

Maryetta's Indian Education program is expanded in the upper grades through a creative writing/language development program designed aroung the following five components: play-acting, puppetry, pantomine, poetry, and video. Students use creative writing skills in preparation for presentation of their work through one of the above media. Physical activities associated with performing each of the components reinforces language acquired during those activities.

WHAT WORKS EFFECTIVELY

Combining activities in the three domains (affective, cognitive, and psychomotor) in the learning process has been proven to work most effectively with Maryetta students. Traditionally, classroom settings utilize the cognitive and ignore the affective and psychomotor domains. Instruction geared toward learning styles is also important to the effective teaching of language and other concepts. Typically, teachers tend to emphasize linguistic and mathematical learning styles (left-brain function), and overlook the kinesthetic, spatial, sensing, and musical learning styles (right-brain) that do not fit into the "normal" classroom setting. Maryetta students have been found to learn more effectively while utilizing all domains, particularly the psychomotor. Research in right and left brain hemisphere functions supports the utilization of physical activity while developing language.

HOW THE PROJECT HAS PROVEN ITS EFFECTIVENESS

Utilizing the Stanford Achievement Test as a pretest indicator, the 1985 average language score for 4th - 8th grade students was 38.94. After implementation of the Indian Education Program scores have increased to an average of 44.82 NCE in 1990. An increase of 6 NCE's occurred over the five-year period. Maryetta's creative writing students scored at the 53.6 NCE on the Spring 1990 Metropolitan Achievement Test. Other long-term results include higher self-esteem as evidenced by a majority of Maryetta students scoring in the upper quartile of the Coopersmith Self-Esteem Inventory. Lower absenteeism and a zero dropout rate has also been achieved since implementation of the program eight year ago.

The fall of 1989 was the first year of implementation of the psychomotor program in the preschool. The preschoolers were pre- and post-tested utilizing the Miller Assessment for Preschoolers. Results of that assessment show an average of 8.13 NCE.

Increased motivation and a sense of pride and belonging are observed indicators of the effectiveness of the program.

WHAT MAKES THE PROJECT UNIQUE

This project is unique because it utilizes physical and sensory stimulation in the acquisition of cognitive skills. In addition, the utilization of parents, bilingual staff and certified educators combine to promote the learning atmosphere and self-esteem of each child.

OIE Effective Showcase Project
Center V Region

Cherokee Nation of Oklahoma
Adult Education Program
P.O. Box 948
Tahlequah, Oklahoma 74464
Reva Reyes, Project Director

PROJECT DESCRIPTION

The Cherokee Nation of Oklahoma operates an open entry/exit program of individualized instruction for ABE (literacy) and GED (high school equivalency) within the fourteen county area of original tribal jurisdiction. Cherokee teachers use a combination of comercial and original materials devised by the project in providing instruction in rural Cherokee communities. Transportation, child care, eye glasses, hearing aides, referrals, counseling, higher education assistance after completion of GED and other support services are provided. In addition to ABE and GED instruction, mini units on Cherokee Literacy (reading and writing the Cherokee syllabary invented by Sequoyah), tribal history, basket weaving, beading, voter registration and other topical concerns are presented throughout the year to develop good Cherokee tribal citizenship and maintain high student motivation.

WHAT WORKS EFFECTIVELY

The project is holistically designed to address specific physiological methodological, cultural and psychological needs of Indian adults. The interweaving of specially designed instructional methodology with support services and other more intangible effects result in a program in which the whole is greater than the parts. Therefore, it is the combination rather than individual elements which are effective.

The staff development, teaching methodology and record-keeping system are elements which are both unique and highly effective. Teachers receive inservice training on the physiological needs of Indian adult as they relate to classroom instruction. Methodology is designed around holistic learning with an emphasis on cognitive processing patterns of Indian adult learners.

The record-keeping system reinforces student motivation while providing more thorough documentation of student progress than is standardly found in similar programs.

WHY IT WORKS

The project works because it is learner-centered rather than teacher-centered. Adult students attend voluntarily on their own time. Typically, adult education students provide a sound evaluation of the program by voting with their feet. If instruction feels good and meets articulated needs, students participate. If it does not, students leave.

Examples of the student-centered approach include the record-keeping system. Adult students resent and fear long, standardized tests to the point that they will be absent when they know one is to be administered. The diagnostics created by the program are carefully designed to provided exact placement of students into appropriate materials upon entry into the program, but without the anxiety and resentment engendered by commercial tests.

The master skills checklists which are used to document student progress allow students to see how much they already know when they enter. The process of certifying skills each class session (as they are learned) provides instant positive reinforcement on a regular basis -- unlike testing which occurs at longer intervals. As students see the skills mount up on the sheets, they have a sense of pride in their learning ability and control over their learning process.

HOW IT WORKS

Teachers survey communities to determine needs for classes by visiting homes, talking with community leaders, attending community events and being whatever people are gathered. Potential students are asked to indicate their preferences for class hours, times, place and other details. The need for support services, particuarly transportation and child care are noted.

When a site is secured within the community, the teacher arranges for a babysitter and plans pick ups. As students enter the class, they take one diagnostic to get them placed in materials in at least one subject area right away.

Materials used are worktext style in which students may write on and in the books. The time of adult learners is respected. THey are not asked to waste time copying material. The materials are self-paced. Instructors move from student to student clarifying, checking answers and explaining concepts as necessary. When a student can consistently and quickly supply correct answers over a large number of practice exercises, the instructor may certify the particular skill which has been mastered by the student on the student's master skills check sheet. The date on which the skill was mastered is entered into the appropriate column.

Following diagnostics, the instructor places an "e" for "entry level" in the columnar space adjacent to the skill for each skill which the student already knows. This sheet is reviewed with the student. At a glance, it is easy to see which skills will be studied next. As a student begins working on a new skill, the instructor places the beginning date in the "Begin" column. WHen the skill is mastered, the instructor places the date of mastery in the "end" column.

As students near the level at which GED is taken, the instructor supplies a GED practice test which is correlated with the GED exam to see if the student can pass the GED battery. The student can go to the testing center with complete assurances that he or she can pass the tests. This assurance alleviates test anxiety.

A graduation and awards ceremony is held at the end of the program to hand out certificates to GED graduates and recognize other student achievement. The adult students receive invitations to mail to friends and family and participate in the planning of the ceremonies.

HOW THE PROJECT HAS PROVEN ITS EFFECTIVENESS

The project has demonstrated effectiveness in an area which has long been problematic for adult educators. In the year prior to implementing the diagnostics and master skills checklists, less than a third of the students in the project had post-test results. Their dislike of standardized testing worked against the program and prevented the collection of accurate data on student progress. This issue has been discussed among programs is one in which stipends are paid for attendance (and attendance thereby controlled), students resist the long post-testing (and pre-testing) which has been needed in the past to verify student progress.

With the implementation of the new record-keeping system, every increment learned by a student is documented. The skills sheets are thoroughly sequenced and can be correlated with grade levels if desired.

In a recent survey of graduates, it was clear that, while entry into higher education and training was important to adult students, positive self image was a consistent result of program participation. The methodology which stresses appropriately small increments for errorless discrimination is extremely effective in creating positive learner self-esteem and motivation. Thus, the program is effective inthe affective domain in areas which stimulate or retard learning.

The project served 322 students during the 1989-90 project year. Sixty-one (61) students completed all five (5) GED tests and 106 students passed one or more of the five (5) tests in the GED battery. Enrolled students mastered 1.34 skills per class session of attendance in the ABE and GED classes.

A total of 10,218 units of service were delivered, including transporation, home visits, child care referrals.

WHAT MAKES THE PROJECT UNIQUE

It is the whole effect of the program rather than individual parts which make it effective. The unique factors which are original to the project are the student assessment and record-keeping system and the staff development component.

The diagnostic and record-keeping system is comprised of original documents specially designed to meet the needs of Indian adult learners. The skills sheets serve as a highly detailed and individualized curriculum guide prescribing precisely what is to be taught and in what order. The guidance which this system provides to teachers is reassuring and allows valuable teacher time to be used in actual student contact rather than in lesson planning.

The documentation of skills on a daily basis allows the program to examine the speed and efficiency with which adult students learn. By comparing the number of skills mastered with the sessions of attendance, we may project with more assurance how long it will take for a student within a particular age group to move through the program, and provide a basis for comparison/standards for effectiveness of materials and of instruction.

TITLE V—INDIAN EDUCATION

PART A—BUREAU AND CONTRACT SCHOOLS

SEC. 5101. SHORT TITLE.

Indian Education Amendments of 1988.
25 USC 2001 note.

This part may be cited as the "Indian Education Amendments of 1988".

SEC. 5102. PROHIBITION ON TRANSFERS OF BUREAU AND CONTRACT SCHOOLS.

Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) by adding at the end of subsection (g) the following new paragraph:

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987, or

"(B) any program of such a school that is operated on or after April 1, 1987,

only if the tribal governing body approves such action.",

(2) by striking "Such standards and procedures shall require that whenever" in subsection (g)(3) and inserting in lieu thereof "Whenever",

(3) by inserting "transfer to any other authority," after "close," and after "closure," each place either term appears in paragraphs (3) and (4) of subsection (g), and

(4) by adding at the end thereof the following new subsection:

"(j) For purposes of this section, the term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.".

SEC. 5103. REPORT ON TEMPORARY ACTIONS TAKEN FOR A YEAR.

Section 1125 of the Education Amendments of 1978 (25 U.S.C. 2005) is amended—

(1) by redesignating subsection (d) as subsection (e),

(2) by inserting after subsection (c) the following new subsection:

Public health and safety.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

Regulations.

Federal Register, publication.

"(B) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall conduct a review of the guidelines used by the Bureau in determining whether plant conditions at a Bureau school constitute an immediate hazard to health and safety. By no later than June 30, 1989, the Secretary shall publish in the Federal Register the final form of regulations which shall be used by health and safety officers of the Bureau in making such determinations.

"(C)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form the regulations required under subparagraph (B) before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by no later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(3) If— Reports.

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by no later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.".

SEC. 5104. ELIGIBILITY AND EXPANSION OF BUREAU FUNDED SCHOOLS.

Section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001) is amended—

(1) by striking out "Indian controlled contract schools (hereinafter referred to as 'contract schools')" in subsection (a) and inserting in lieu thereof "contract schools", and

(2) by adding at the end thereof the following new subsection:

"(k)(1)(A) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(i) applications from any tribe for the awarding of a contract or grant for a school that has not previously received funds from the Bureau,

"(ii) applications from any tribe or Bureau school board for—

"(I) a school which has not previously been operated or funded by the Bureau, or

"(II) the expansion of any program currently funded by the Bureau which would increase the amount of funds received by the Indian tribe or school board under section 1128.

The Secretary shall give consideration to all of such factors, but none of such applications may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(ii) geographic and demographic factors in the affected areas;

"(iii) adequacy of the applicant's program plans or, in the case of a Bureau operated program, of projected needs analysis done either by a tribe or by Bureau personnel;

"(iv) geographic proximity of comparable public education; and

"(v) the stated needs of all affected parties, including (but not limited to) students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) geographic and demographic factors in the affected areas;

"(ii) adequacy and comparability of programs already available;

"(iii) consistency of available programs with tribal educational codes or tribal legislation on education; and

"(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by no later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by no later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

Effective date.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"(6)(A) Any application for expansion of the grade levels offered by a tribally controlled school which has been submitted to the Secretary prior to the date of enactment of this Act shall be reviewed under the regulations and guidelines in effect on the date on which such application was submitted, unless the applicant elects to have the provisions of this subsection apply to the review of such application.

"(B) Notwithstanding any other provision of law, if the school board of the Bureau funded schools at the Pueblo of Zia and the Tama Settlement vote within the 2-year period beginning on the date of enactment of the Indian Education Amendments of 1988 to expand each of the schools to include kindergarten through grade 8, the schools shall be so expanded at the beginning of the next school year occurring after the vote.".

SEC. 5105. DORMITORY CRITERIA.

Section 1122 of the Education Amendments of 1978 (25 U.S.C. 2002) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 1121(b) may be waived under section 1121(d).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By no later than May 1, 1989, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.". Reports.

SEC. 5106. REGULATIONS.

Section 1123 of the Education Amendments of 1978 (25 U.S.C. 2003) is amended to read as follows:

"REGULATIONS

"SEC. 1123. (a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are hereby incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the Executive Branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

Federal Register, publication.

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of no less than 90 days has been afforded the public to comment on the published proposed regulation, and

Federal Register, publication.

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the Executive Branch.".

SEC. 5107. FORMULA MODIFICATIONS.

(a) IN GENERAL.—

(1) Paragraph (1) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)) is amended to read as follows:

"(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an average daily attendance of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.".

(2) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new paragraphs:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented (as determined pursuant to section 5324 of the Indian Education Amendments of 1988), and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

"(i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 5324(c)(6)(B) of the Indian Education Act of 1988, or

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"(ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

"(5) For each of the fiscal years 1989 and 1990, the Secretary shall adjust the formula established under subsection (a) to provide funding to schools operated by Indian tribes that are treated under State law as political subdivisions of the State in an amount sufficient to enable the schools to meet standards imposed by the State.".

(b) STUDY.—

20 USC 1411 note.

(1) The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall conduct a study to determine—

(A) the number of children who—

(i) are 3 or 4 years of age,

(ii) are eligible for services provided by the Bureau of Indian Affairs of the Department of the Interior, and

(iii) are handicapped children (within the meaning of section 602(1) of the Education of the Handicapped Act (20 U.S.C. 401(1))),

(B) the geographic disbursement of such children,

(C) the number of such children who the Comptroller General estimates will receive services under the pre-school set-aside program under Public Law 99-457,

(D) the sufficiency of the pre-school services described in subparagraph (C),

(E) the unmet needs of such children,

(F) the number of such children who the Comptroller General estimates will attend education programs (schools or residential programs) funded by the Bureau, and

(G) the information described in subparagraphs (B), (C), (D), and (E) with respect to the children described in subparagraph (F).

Reports.

(2) By no later than the date that is 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the study conducted under paragraph (1).

SEC. 5108. ADMINISTRATIVE COST.

(a) IN GENERAL.—The Education Amendments of 1978 (25 U.S.C. 2008) is amended by inserting after section 1128 (25 U.S.C. 2008) the following new section:

"ADMINISTRATIVE COST GRANTS

25 USC 2008a.

"SEC. 1128A. (a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract schools in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative

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overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract schools.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to each of the direct cost education programs operated by the tribe or tribal organization for which funds are received from or through the Bureau.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) For purposes of this section, the administrative cost percentage rate for a contract school for a fiscal year is equal to the percentage determined by dividing—

"(1) the sum of—

"(A) the amount equal to—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(ii) the minimum base rate, plus

"(B) the amount equal to—

"(i) the standard direct cost base, multiplied by

"(ii) the maximum base rate, by

"(2) the sum of—

"(A) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(B) the standard direct cost base.

The administrative cost percentage rate shall be determined to the one hundredth of a decimal point.

"(d)(1)(A) Funds received by a contract school as grants under this section for tribal elementary or secondary educational programs may be combined by the contract school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(e) For purposes of this section—

"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include, but is not necessarily limited to—

"(i) contract (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office of Indian Education Programs of the Bureau;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract or agreement with the Bureau.

"(4)(A) Except as otherwise provided in this paragraph, the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(5) The term 'maximum base rate' means 50 percent.

"(6) The term 'minimum base rate' means 11 percent.

"(7) The term 'standard direct cost base' means $600,000.

"(f)(1) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1130) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and "(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted on-site at a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how they may effectively be incorporated into such formula.

"(3) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

"(4) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c). Reports.

"(5) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(6) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) one-third of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to one-third of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus

"(ii) one-half of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to one-half of the excess of—

"(I) such amount received over,

"(II) such amount determined under subsection (b).".

(b) SCHOOL BOARD TRAINING.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (20 U.S.C. 2008(c)(3)) is amended to read as follows: 25 USC 2008.

"(3)(A) The Secretary shall reserve for national school board training 0.133 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1986. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations. Contracts.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $4,000, or

"(ii) 2 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.".

(c) PERCENTAGE OF FUNDS NOT SUBJECT TO FISCAL YEAR LIMITATION.—Section 1128 of the Education Amendments of 1978 (20 U.S.C. 2008) is amended by adding at the end thereof the following new subsection: 25 USC 2008.

"(h) At the election of the local school board made at any time during the fiscal year, a portion equal to no more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation.".

SEC. 5109. LOCAL PROCUREMENT.

Paragraph (4) of section 1129(a) of the Education Amendments of 1978 (25 U.S.C. 2009) is amended to read as follows:

"(4) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $25,000 of the amount allotted the school under section 1128 to acquire supplies and equipment for the school without competitive bidding if—

"(A) the cost for any single item purchased does not exceed $10,000;

"(B) the school board approves the procurement;

"(C) the supervisor certifies that the cost is fair and reasonable;

"(D) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(E) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.".

SEC. 5110. COORDINATED PROGRAMS.

Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end thereof the following new subsection:

Contracts. "(f)(1) From funds allotted to a school under section 1128, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 1121(j)) whose children are served by a program operated by the Bureau, implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves education programs operated by the Bureau. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, if a facility operated by the Bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.".

SEC. 5111. CONSULTATION.

Section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010) is amended—

(1) by striking out "Bureau" the first time it appears and inserting in lieu thereof "the Secretary and the Bureau",

(2) by striking out "It shall" and inserting in lieu thereof "(a) It shall", and

(3) by adding at the end thereof the following new subsection:

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including, but not limited to, tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented during the discussions, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.".

SEC. 5112. INDIAN EMPLOYMENT PREFERENCE.

(a) APPLICANTS.—Subsection (f)(1) of section 1131 of the Education Amendments of 1978 (25 U.S.C. 2011) is amended by striking out "an employee" and inserting in lieu thereof "an applicant or employee"

(b) PROVIDERS OF SUPPORT SERVICES.—

(1) Subparagraph (A) of section 1131(n)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(n)(1)(A)) is amended—

(A) by striking out "or" at the end of clause (ii), and

(B) by adding at the end thereof the following new clause:

"(iv) support services at, or associated with, the site of the school; or".

(2) The amendments made by paragraph (1) shall apply with respect to an individual who is employed by the Bureau of Indian Affairs of the Department of the Interior on the date of enactment of this Act only if such individual elects, in such form and at such time as the Secretary of the Interior may prescribe, the application of such amendments with respect to such individual. 25 USC 2011 note.

SEC. 5113. PERSONNEL COMPENSATION, RECRUITMENT, AND RETENTION STUDIES.

25 USC 2011 note.

(a) IN GENERAL.—The Secretary shall conduct such studies and gather such information as may be necessary to prepare a report that the Secretary shall submit to the Congress by no later than the date that is 6 months after the date of enactment of this Act. The report shall compare personnel compensation in Bureau funded schools with— Reports.

(1) nearest public schools that—

(A) have successful educational programs, and

(B) are comparable in size, geographic location, grade levels, and student population characteristics to Bureau funded schools, and

(2) schools operated within the United States by the Department of Defense.

(b) INCLUSIONS.—The report required under subsection (a) shall include—

(1) detailed information on the current salaries and personnel benefits for comparable positions in the Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a),

(2) a comparison of starting salaries, tenure, length of service, educational and certification requirements, length of work year and work day, and fringe benefits between Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a),

(3) a projection of the compensation factors described in paragraphs (1) and (2) for Bureau funded schools and the schools described in paragraphs (1) and (2) of subsection (a) over the next five years, and

(4) such additional information and analysis as the Secretary deems appropriate.

(c) FUNDING AND STAFF.—

(1) The cost of the studies and the report required under subsection (a) (including, but not limited to, costs for all con-

tracts, travel, and staff assigned to the study) shall be paid from amounts appropriated to the Bureau's Management and Administration subactivity of the General Administration activity, except that the salaries and personnel benefits of employees detailed to the study from the Office of Indian Education of the Bureau may continue to be charged to the amounts appropriated to the Bureau's Education account.

(2) If the Secretary does not conduct the studies required under subsection (a) by contract, the staff detailed to work on the studies and report required under subsection (a) shall include not less than two career employees from the Office of Indian Education of the Bureau who have substantial experience in the administration (at the level of an agency office) of school operations and in the drafting of personnel regulations, including but not limited to those under this Act.

(d) Contracts.—The Secretary may conduct part or all of the studies required under subsection (a) through contracts entered into with one or more Indian education organizations.

(e) Additional Studies.—The Secretary shall conduct such other studies of personnel compensation and recruitment in Bureau funded and public schools as are desirable in carrying out the purposes of title 11 of the Education Amendments of 1978.

(f) Definitions.—For purposes of this section—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

SEC. 5114. REGULAR COMPENSATION OF BUREAU EDUCATORS; NONVOLUNTARY FURLOUGHS.

(a) Compensation.—Paragraph (1) of section 1131(h) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) by inserting "or on the basis of the Federal Wage System schedule in effect for the locality" after "is applicable",

(2) by striking out "The Secretary shall" and inserting in lieu thereof "(A) Except as otherwise provided in this section, the Secretary shall", and

(3) by adding at the end thereof the following new subparagraphs:

"(B) By no later than the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988, the Secretary shall establish, for contracts for the 1991-1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By no later than the close of the 6-month period described in subparagraph (B), the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989-1990 academic year, at rates which reflect one-third of the changes in the rates applicable to such positions on the date of enactment of the Indian Education Amendments of 1988 that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991-1992 academic year, and

"(ii) for contracts for the 1990-1991 academic year, at rates which reflect two-thirds of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day.

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made.

President of U.S.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.".

(b) FURLOUGHS.—Section 1131 of the Education Amendments of 1978 (20 U.S.C. 2011) is amended by adding at the end thereof the following new subsection:

"(p)(1) No educator whose basic compensation is paid from funds allocated under section 1128 may be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to a shortage of funds, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency superintendent for education any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, approve the determination of the supervisor. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.".

SEC. 5115. POST DIFFERENTIALS.

Paragraph (3) of section 1131(h) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(3)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(A) The Secretary", and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide one or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

The request under this subparagraph shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time it is approved, approved with modification, or disapproved by the Secretary.

"(ii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that it be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

Reports. "(iii) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.".

SEC. 5116. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

Title XI of the Education Amendments of 1978 is amended—

(1) by striking out part C, and

(2) by adding at the end of part B the following new section:

20 USC 241aa note, 241bb-1.

"EARLY CHILDHOOD DEVELOPMENT PROGRAM

Grants. 25 USC 2022a.

"SEC. 1141. (a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only one tribe that has less than 500 members, or

"(ii) by one or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

Appropriation authorization.

"(f) There are authorized to be appropriated for fiscal year 1989, and for each succeeding fiscal year, $15,000,000 for the purpose of carrying out the provisions of this section.".

SEC. 5117. DEFINITIONS.

Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;",

(2) by redesignating paragraphs (4) through (10) as paragraphs (6) through (12), respectively, and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 104(1), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d);".

SEC. 5118. SEQUESTRATION ORDERS.

Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended by adding at the end thereof the following new paragraph:

"(5) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1128 for any fiscal year by more than 7 percent of the amount of funds available for allotment under section 1128 during the preceding fiscal year—

"(A) the Secretary may, notwithstanding any other provision of law, use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and "(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 1128, and

"(B) the Secretary may waive the application of the provisions of section 1121(g) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1128 for such fiscal year.".

SEC. 5119. TRIBAL DEPARTMENTS OF EDUCATION.

Grants.

Part B of title XI of the Education Amendments of 1978 is amended by adding at the end thereof the following new section:

"TRIBAL DEPARTMENTS OF EDUCATION

"SEC. 1142. (a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe. 25 USC 2022b.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 104(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including (but not limited to) the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

but when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

Appropriation authorization.

"(e) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.".

SEC. 5120. SCHOOL BOUNDARIES.

Subsection (b) of section 1124 of the Education Amendments of 1978 (25 U.S.C. 2004(b)) is amended—

(1) by striking out "On or after" and inserting in lieu thereof "(1) Except as provided in paragraph (2), on or after", and

(2) by adding at the end thereof the following new paragraph:

"(2) In any case where there is more than one Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.".

PART B—TRIBALLY CONTROLLED SCHOOL GRANTS

Tribally Controlled Schools Act of 1988.
25 USC 2501 note.

SEC. 5201. SHORT TITLE.

This part may be cited as the "Tribally Controlled Schools Act of 1988".

SEC. 5202. FINDINGS.

25 USC 2501.

The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

(3) Indians will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons;

(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(6) true local control requires the least possible Federal interference; and

(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

SEC. 5203. DECLARATION OF POLICY.

25 USC 2502.

(a) RECOGNITION.—The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

(b) COMMITMENT.—The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

(c) NATIONAL GOAL.—The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

(d) Educational Needs.—The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

(e) Federal Relations.—The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

(f) Termination.—The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

25 USC 2503.

SEC. 5204. GRANTS AUTHORIZED.

(a) In General.—

(1) The Secretary shall provide grants to Indian tribes, and tribal organizations, that—

(A) operate tribally controlled schools which are eligible for assistance under this part, and

(B) submit to the Secretary applications for such grants.

(2) Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is provided.

(3)(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education-related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including but not limited to, expenditures for—

(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes, and

(ii) support services for the school, including transportation.

(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operation and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

(C) If funds allocated to a tribally controlled school under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Education of the Handicapped Act, or any Federal education law other than title XI of the Education Amendments of 1978 are included in a grant provided under this part, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law may be expended under the terms of such law.

(b) Limitations.—

(1) No more than one grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

(2) Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

(3) Funds provided under any grant made under this part may not be expended for administrative costs (as defined under section 1128A(e)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128A of such Act.

(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

(1) In the case of a grantee which operates schools at more than one schoolsite, the grantee may expend no more than the lesser of—

(A) 10 percent of the funds allocated for a schoolsite under section 1128 of the Education Amendments of 1978, or

(B) $400,000 of such funds,

at any other schoolsite.

(2) For purposes of this subsection, the term "schoolsite" means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract with, the Bureau for which a discreet student count is identified under the funding formula established under section 1128 of the Education Amendments of 1978.

(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

(1) to require a tribe or tribal organization to apply for or accept, or

(2) to allow any person to coerce any tribe or tribal organization into applying for, or accepting,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications, and the timing of such applications, shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided. Voluntarism.

(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(f) RETROCESSION.—Whenever an Indian tribe requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days after the date on which the tribe requests the retrocession, or such later date as may be mutually agreed upon by the Secretary and the tribe. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

(g) NO TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this Act may not be terminated, modified, suspended, or reduced only for the convenience of the administering agency.

SEC. 5205. COMPOSITION OF GRANTS.

25 USC 2504.

(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

(1) the total amount of funds allocated for such fiscal year under sections 1128 and 1128A of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part that are operated by such Indian tribe or tribal organization, including, but not limited to, funds

provided under such sections, or under any other provision of law, for transportation costs,

(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and other facilities accounts for such schools for such fiscal year under section 1126(d) of the Education Amendments of 1978 or under any other law, and

(3) the total amount of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

(B) the Education of the Handicapped Act, and

(C) any other Federal education law,

that are allocated to such schools for such fiscal year.

(b) Special Rules.—

(1) In the allocation of funds under sections 1128, 1128A, and 1126(d) of the Education Amendments of 1978, tribally controlled schools for which grants are provided under this part shall be treated as contract schools.

(2) In the allocation of funds provided under—

(A) chapter 1 of title I of the Elementary and Secondary Education Act of 1965,

(B) the Education of the Handicapped Act, and

(C) any other Federal education law,

that are distributed through the Bureau, tribally controlled schools for which grants are provided under this part shall be treated as Bureau schools.

(3)(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

(i) title I of the Elementary and Secondary Education Act of 1965,

(ii) the Education of the Handicapped Act, or

(iii) any Federal education law other than title XI of the Education Amendments of 1978.

(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii), or (iii) of subparagraph (A).

25 USC 2505.

SEC. 5206. ELIGIBILITY FOR GRANTS.

(a) In General.—

(1) A tribally controlled school is eligible for assistance under this part if the school—

(A) was, on the date of enactment of this Act, a school which received funds under the authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.),

(B) was a school operated (as either an elementary or secondary school or a combined program) by the Bureau and has met the requirements of subsection (b),

(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c), or

(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

(2) Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of this Act shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

(b) ADDITIONAL REQUIREMENTS FOR BUREAU SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

(1) Any school that was operated as a Bureau school on the date of enactment of this Act, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

(ii) make a determination of whether the school is eligible for assistance under this part, and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2)(A) By no later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

(i) if the school is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization, and

(ii) whether the school is eligible for assistance under this part.

(B) In considering applications submitted under paragraph (1)(A), the Secretary—

(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school, and

(ii) shall determine that the school is eligible for assistance under this part,

unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

(i) equipment,

(ii) bookkeeping and accounting procedures,

(iii) substantive knowledge of operating the school,

(iv) adequately trained personnel, or

(v) any other necessary components in the operation of the school.

(c) Additional Requirements for Schools That Have Not Received Bureau Funds.—

(1) A school for which the Bureau has not provided funds meets the requirements of this subsection if—

(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary of whether the school is eligible for assistance under this part, and

(B) the Secretary makes a determination that the school is eligible for assistance under this part.

(2)(A) By no later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

(i) with respect to the applicant's proposal—

(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

(II) geographic and demographic factors in the affected areas;

(III) adequacy of applicant's program plans;

(IV) geographic proximity of comparable public education; and

(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

(ii) with respect to all education services already available—

(I) geographic and demographic factors in the affected areas;

(II) adequacy and comparability of programs already available;

(III) consistency of available programs with tribal education codes or tribal legislation to education; and

(IV) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or an earlier date, at the Secretary's discretion.

(d) Applications and Reports.—

(1) All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the agency or area education officer designated by the Director of the Office of Indian Education of the Department of Education. The date on which such filing occurs shall, for purposes of this part, be treated as the date on which the application or amendment is submitted to the Secretary.

(2) Any application that is submitted under this part shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

(e) Effective Date for Approved Applications.—Except as provided in subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning with the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

(f) Denial of Applications.—

(1) Whenever the Secretary declines to provide a grant under this part, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

(A) state the objections in writing to the tribe or tribal organization within the allotted time,

(B) provide assistance to the tribe or tribal organization to overcome all stated objections,

(C) provide the tribe or tribal organization a hearing, under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act, and

(D) provide an opportunity to appeal the objection raised.

(2) The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

(g) Report.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to the Congress the budget under section 1105 of title 31, United States Code.

SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION. 25 USC 2506.

(a) In General.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

(b) Annual Reports.—Each recipient of a grant provided under this part shall submit to the Secretary and to the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school an annual report that shall be limited to—

(1) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

(2) a biannual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

(3) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

(4) a program evaluation conducted by an impartial entity, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

(c) Revocation of Eligibility.—

(1)(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school, and

(ii) at least one of the following subclauses applies with respect to the school:

(I) The school is certified or accredited by a State or regional accrediting association as determined by the Secretary of Education, or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

(IV) The school accepts the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

(V) A positive evaluation of the school is conducted once every 3 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act prior to the date of enactment of this Act, such evaluation to be conducted by an impartial evaluator agreed to by the Secretary and the grantee. Upon failure to agree on such an evaluator, the governing body of the tribe shall choose the evaluator or perform the evaluation.

(B) The choice of standards employed for purposes of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

(2) The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A), until the Secretary—

(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1121(j) of the Education Amendments of 1978) of the tribally controlled school which states—

(i) the specific deficiencies that led to the revocation or resumption determination, and

(ii) the actions that are needed to remedy such deficiencies, and

(B) affords such authority an opportunity to effect any remedial actions.

The Secretary shall provide such technical assistance as is necessary to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.

25 USC 2507.

(a) PAYMENTS.—

(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in two payments:

(A) one payment to be made no later than October 1 of each fiscal year in an amount equal to one-half the amount paid during the preceding fiscal year to the grantee or a contractor that has elected to have the provisions of this part apply, and

(B) the second payment consisting of the remainder to which the grantee or contractor is entitled for the fiscal year to be made by no later than January 1 of the fiscal year.

(2) For any school for which no payment was made under this part in the preceding fiscal year, full payment of the amount computed for each fiscal year shall be made by January 1 of the fiscal year.

(b) INVESTMENT OF FUNDS.—

(1) Notwithstanding any other provision of law, any interest or investment income that accrues on any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law.

(2) Funds provided under this part may be—

(A) invested by the Indian tribe or tribal organization only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

(B) deposited only into accounts that are insured by an agency or instrumentality of the United States.

(c) Recoveries.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

25 USC 2508.

SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) Certain Provisions To Apply To Grants.—All provisions of sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450[illegible], et seq.) except those provisions pertaining to indirect costs and length of contract, shall apply to grants provided under this part.

(b) Election for Grant In Lieu of Contract.—

(1) Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of this Act may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

(2) Any election made under paragraph (1) shall take effect on the later of—

(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made, or

(B) the date that is 60 days after the date of such election.

(c) No Duplication.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or service if a grant has been made under this part to pay such expenses.

25 USC 2509.

SEC. 5210. ROLE OF THE DIRECTOR.

Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

25 USC 2510.

SEC. 5211. REGULATIONS.

The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

25 USC 2511.

SEC. 5212. DEFINITIONS.

For purposes of this part—

(1) The term "eligible Indian student" has the meaning of such term in section 1128(f) of the Education Amendments of 1978 (25 U.S.C. 2008(f)).

(2) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation (as defined in or established pursuant to the Alaskan Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3)(A) The term "tribal organization" means—

(i) the recognized governing body of any Indian tribe, or

(ii) any legally established organization of Indians which—

(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization, and

(II) includes the maximum participation of Indians in all phases of its activities.

(B) In any case in which a grant is provided under this part to an organization to perform services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "tribally controlled school" means a school, operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.

(6) The term "a local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

PART C—DEPARTMENT OF EDUCATION

Indian Education Act of 1988.
25 USC 2601 note.

SEC. 5301. SHORT TITLE.

This part may be cited as the "Indian Education Act of 1988".

Subpart 1—Financial Assistance to Local Educational Agencies for the Education of Indian Children

25 USC 2601.

SEC. 5311. DECLARATION OF POLICY.

In recognition of the special educational and culturally related academic needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational and culturally related academic needs, or both.

25 USC 2602.

SEC. 5312. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary shall, in order to effectuate the policy set forth in section 5311, carry out a program of making grants to local educational agencies which are entitled to payments under this subpart and which have submitted, and have had approved, applications therefor, in accordance with the provisions of this subpart.

(b) AMOUNT OF GRANTS.—

(1)(A) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of eligible Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

(B) For purposes of this subpart, the term "eligible Indian children" means Indian children whom the Secretary has determined—

(i) were enrolled in a school of the local educational agency, and

(ii) were provided free public education by the local educational agency.

(2)(A) From the sums appropriated under section 5316(a) for any fiscal year, the Secretary shall allocate to each local educational agency which has an application approved under this subpart an amount which bears the same ratio to such sums as the product of—

(i) the number of eligible Indian children, multiplied by

(ii) the average per pupil expenditure per local educational agency,

bears to the sum of such products for all such local educational agencies.

(B) A local educational agency shall not be entitled to receive a grant under this subpart for any fiscal year unless the number of eligible Indian children, with respect to such agency, is at least 10 or constitutes at least 50 percent of its total enrollment. The requirements of this subparagraph shall not apply to any local educational agencies serving Indian children in Alaska, California, and Oklahoma or located on, or in proximity to, an Indian reservation.

(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency is equal to the amount determined by dividing—

(i) the sum of—

(I) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus

(II) any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), by

(ii) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(3)(A) The first fiscal year for which schools operated by the Bureau of Indian Affairs of the Department of the Interior shall be treated as local educational agencies for the purposes of this subpart (other than sections 5314(b)(2)(B)(ii) and 5315(c)(2)) is the first fiscal year beginning after the date of enactment of this Act for which the amount of funds appropriated for allocation under this subsection equals or exceeds the amount of funds that, if such schools are not treated as local educational agencies, is necessary to allocate under paragraph (2) (determined without regard to subparagraph (B)) to each local educational agency which has an application approved under this subpart for such fiscal year an amount of funds for each eligible Indian child equal to the sum of—

(i) the average amount of funds per eligible Indian child that was received by such local educational agency for fiscal year 1988 under section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(2)), plus

(ii) 2 percent of the amount described in clause (i).

(B)(i) Notwithstanding any other provision of this subpart, for each fiscal year to which this clause applies—

(I) paragraph (2) shall first be applied to allocate the portion of the funds appropriated for such fiscal year for allocation under this subsection that does not exceed the amount determined to be necessary under subparagraph (A) among only those local educational agencies that received funds under section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C 241bb(a)(2)) for fiscal year 1988, and

(II) paragraph (2) shall then be applied to allocate the remaining portion (if any) of the funds appropriated for such fiscal year for allocation under this subsection among only those local educational agencies that are schools operated by the Bureau of Indian Affairs.

(ii) Clause (i) applies to the first fiscal year described in subparagraph (A), and each succeeding fiscal year, until the amount of funds appropriated for allocation under this subsection for any fiscal year beginning after the date of enactment of this Act equals or exceeds the amount of funds that, if all schools operated by the Bureau of Indian Affairs are treated as local educational agencies, is necessary to allocate under paragraph (2) (determined without regard to clause (i)) to each local educational agency which has an application approved under this subpart for such fiscal year an amount of funds for each eligible Indian child equal to the sum of—

(I) the average amount of funds per eligible Indian child that was received by such local educational agency for fiscal year 1988 under the Indian Elementary and Secondary School Assistance Act, plus

(II) 2 percent of the amount described in subclause (I).

(c) GRANTS TO SCHOOLS THAT ARE NOT, OR HAVE NOT BEEN, LOCAL EDUCATIONAL AGENCIES.—

(1) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this subpart, there is

hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments on the basis of entitlements computed under subsection (b) for that fiscal year, for the purpose of enabling the Secretary to provide financial assistance in accordance with the provisions of this subpart to schools—

(A) which are located on or near reservations; and

(B) which—

(i) are not local educational agencies, or

(ii) have not been local educational agencies for more than 3 years.

California. Oklahoma. Alaska. (2) The requirements of clause (A) of paragraph (1) shall not apply to any school serving Indian children in California, Oklahoma, or Alaska.

(d) GRANTS FOR DEMONSTRATION PROJECTS.—In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this subpart, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 percent of the amount appropriated for payments of entitlements computed under subsection (b) for that fiscal year, for the purpose of enabling the Secretary to make grants on a competitive basis to local educational agencies to support demonstration projects and programs which are designed to plan for and improve educational opportunities for Indian children, except that the Secretary shall reserve a portion not to exceed 25 percent of such funds to make grants for demonstration projects examining the special educational and culturally related academic needs that arise in school districts with high concentrations of Indian children.

25 USC 2603.

SEC. 5313. USES OF FEDERAL FUNDS.

Grants under this subpart may be used, in accordance with applications approved under section 5314, for—

(1) planning and development of programs specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children, including pilot projects designed to test the effectiveness of plans so developed;

(2) the establishment, maintenance, and operation of such programs, including, in accordance with regulations of the Secretary, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment; and

(3) the training of counselors at schools eligible to receive funds under this subpart in counseling techniques relevant to the treatment of alcohol and substance abuse.

25 USC 2604.

SEC. 5314. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

(a) IN GENERAL.—A grant provided under this subpart, except as provided in section 5312(b), may be made only to a local educational agency or agencies, and only upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the activities and services for which assistance under this subpart is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes of section 5313, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) in the case of an application for payments for planning, provide that—

(A) the planning was or will be directly related to programs or projects to be carried out under this subpart and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this subpart, and

(B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this subpart;

(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

(5) set forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this subpart; and

Reports. Records.

(7) provide for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this subpart and to determine the extent to which funds provided under this subpart have been effective in improving the educational opportunities of Indian students in the area served, and for the keeping of such records, and the affording of such access thereto, as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) APPROVAL OF APPLICATIONS.—An application by a local educational agency or agencies for a grant under this subpart may be approved only if it is consistent with the applicable provisions of this subpart and—

(1) meets the requirements set forth in subsection (a);

(2) provides that the program or project for which application is made—

(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

(B) has been developed—

(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(ii) with the participation and written approval of a committee—

(I) which is composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, and

(II) of which at least half the members shall be parents described in subclause (I);

(3) sets forth such policies and procedures including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of paragraph (2)(B)(ii); and

(4) provides that the parent committee formed pursuant to paragraph (2)(B)(ii) will adopt and abide by reasonable bylaws for the conduct of the program for which assistance is sought.

(c) AMENDMENTS OF APPLICATIONS.—Amendments of applications submitted under this subpart shall, except as the Secretary may otherwise provide by regulation, be subject to approval in the same manner as original applications.

(d) ELIGIBILITY FORMS.—

(1) The Secretary shall require that each application for a grant under this subpart for each fiscal year include a form for each eligible Indian child for whom the local educational agency is providing free public education that sets forth information establishing the status of the child as an eligible Indian child.

(2) The Secretary shall request on the form required under paragraph (1) at least the following information:

(A) either—

(i) the name of the tribe, band, or other organized group of Indians with which the child claims membership, along with the enrollment number establishing membership (if readily available), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians, or

(ii) if the child is not a member of a tribe, band, or other organized group of Indians, the name, the enrollment number (if readily available) and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any of the child's parents or grandparents, from whom the child claims eligibility;

(B) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership is federally recognized;

(C) the name and address of the parent or legal guardian;

(D) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

(E) any other information which the Secretary deems necessary to provide an accurate program profile.

(3) Nothing in the requirements of paragraph (2) may be construed as affecting the definition set forth in section 5351(4). The failure of an applicant to furnish any information listed in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child.

(4) The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985-1986 academic year to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the only forms and standards of proof used to establish such eligibility and to meet the requirements of paragraph (1) after the date of enactment of this Act.

(5) For purposes of determining whether a child is an eligible Indian child, the membership of the child, or any parent or grandparent of the child, in a tribe, band, or other organized group of Indians may be established by proof other than an enrollment number, even if enrollment numbers for members of such tribe, band, or groups are available. Nothing in paragraph (2) may be construed as requiring the furnishing of enrollment numbers.

(e) AUDITING; PENALTIES FOR FALSE INFORMATION.—

(1)(A) The Secretary shall establish a method of auditing, on an annual basis, a sample of not less than one-fourth of the total number of local education agencies receiving funds under this subpart and shall submit to the Congress an annual report on the findings of the audits. Reports.

(B) For purposes of any audit conducted by the Federal Government with respect to funds provide under this subpart, all procedures, practices, and policies that are established by—

(i) the Office of Indian Education of the Department of Education, or

(ii) a grantee under this subpart who, in establishing such procedures, practices, and policies, was acting under the direction of any employee of such Office that is authorized by the Director of such Office to provide such direction,

shall, with respect to the period beginning on the date of the establishment of such procedures, practices, and policies, and ending on the date (if any) on which the Director of such Office revokes authorization for such procedures, practices, and policies, be considered appropriate and acceptable procedures, practices, and policies which are in conformity with Federal law.

(C) No local education agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit conducted before the date of enactment of this Act that—

(i) relate to the date of completion, or the date of submission, of any forms used to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act, and

(ii) are the subject of any administrative or judicial proceeding pending on the date of enactment of this Act.

(2) Any local educational agency that provides false information in the application for a grant under this subpart shall be ineligible to apply for any other grants under this subpart and shall be liable to the United States for any funds provided under this subpart that have not been expended.

(3) Any student who provides false information on the form required under subsection (d)(1) may not be taken into account in determining the amount of any grant under this subpart.

25 USC 2605.

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SEC. 5315. PAYMENTS.

(a) In General.—The Secretary shall, subject to the provisions of section 5316, from time-to-time pay to each local educational agency which has had an application approved under section 5314, an amount equal to the amount estimated to be expended by such agency in carrying out activities under such application.

(b) Denial of Payments if Payments Taken Into Account by State.—No payments shall be made under this subpart for any fiscal year to any local educational agency in a State which has taken into consideration payments under this subpart in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(c) Reduction for Failure To Maintain Fiscal Effort.—

"(1) Except as provided in paragraph (2), a local educational agency may receive funds under this subpart for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The State educational agency shall reduce the amount of the allocation of funds under this subpart in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of paragraph (1) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The State educational agency may waive, for 1 fiscal year only, the requirements of this subsection if the State educational agency determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

25 USC 2606.

SEC. 5316. AUTHORIZATION OF APPROPRIATIONS; ADJUSTMENTS.

(a) In General.—For the purpose of making payments under this subpart, there are authorized to be appropriated—

(1) for fiscal year 1988, $70,000,000, and

(2) for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, such sums as may be necessary.

(b) Reallocations.—The Secretary may reallocate, in such manner as will best assist in advancing the purposes of this subpart, any amount which the Secretary determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.

Subpart 2—Special Programs and Projects to Improve Educational Opportunities for Indian Children

Grants.

SEC. 5321. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

25 USC 2621.

(a) In General.—The Secretary shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate—

(A) the provision of educational services not available to Indian children in sufficient quantity or quality, and

(B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

(b) Demonstration Projects.—The Secretary is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, Indian organizations, and Indian institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

(1) innovative programs related to the educational needs of educationally deprived children;

(2) bilingual and bicultural education programs and projects;

(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

(4) coordination of the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

(c) Services and Programs To Improve Educational Opportunities.—

(1) The Secretary is authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Such grants may be used—

(A) to provide educational services not available to such children in sufficient quantity or quality, including—

(i) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(ii) comprehensive academic and vocational instruction;

(iii) instructional materials (such as library books, textbooks, and other printed, published, or audiovisual materials) and equipment;

(iv) comprehensive guidance, counseling, and testing services;

(v) special education programs for handicapped and gifted and talented Indian children;

(vi) early childhood programs, including kindergarten;

(vii) bilingual and bicultural education programs; and

(viii) other services which meet the purposes of this subsection; and

(B) to establish and operate exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

(2) In addition to the grants provided under paragraph (1), the Secretary is authorized to provide grants to consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education for the purpose of developing, improving, and implementing a program of—

(A) encouraging Indian students to acquire a higher education, and

(B) reducing the incidence of dropouts among elementary and secondary school students.

(d) TRAINING.—

(1) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

(A) to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

(B) to improve the qualifications of such persons who are serving Indian students in such capacities.

(2) Grants made under this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

(3) In programs funded by grants authorized under this subsection, preference shall be given to the training of Indians.

(e) GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.—

(1) The Secretary is authorized to make grants to, and to enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, and Indian organizations, and to make con-

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tracts with private institutions and organizations, to establish, on a regional basis, information centers to—

(A) evaluate programs assisted under this Act and under other Indian education programs in order to determine their effectiveness in meeting the special educational and culturally related academic needs of Indian children and adults and to conduct research to determine those needs;

(B) provide technical assistance upon request to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and parent committees created pursuant to section 5314(b)(2)(B)(ii) in evaluating and carrying out programs assisted under this Act, through the provision of materials and personnel resources; and

Public information.

(C) disseminate information upon request to the parties described in subparagraph (B) concerning all Federal education programs which affect the education of Indian children and adults, including information on successful models and programs designed to meet the special educational needs of Indian children.

Contracts.

(2) Grants or contracts made under this subsection may be made for a term not to exceed 3 years and may be renewed for additional 3-year terms if provision is made to ensure annual review of the projects.

Contracts.

(3) From funds appropriated under the authority of subsection (g)(1), the Secretary is authorized to make grants to, and to enter into contracts with, Indian tribes, Indian institutions, and Indian organizations, and public agencies and institutions for—

(A) the national dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

(B) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

(4) The sum of the grants made under this subsection to State educational agencies for any fiscal year shall not exceed 15 percent of the total amount of funds appropriated for the provision of grants under this subsection for such fiscal year.

(f) APPLICATIONS FOR GRANTS.—

(1) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

(A) set forth a statement describing the activities for which assistance is sought;

(B) in the case of an application for a grant under subsection (c)—

(i) subject to such criteria as the Secretary shall prescribe, provide for—

(I) the use of funds available under this section, and

(II) the coordination of other resources available to the applicant,

in order to ensure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section, and

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(ii) provide for the training of personnel participating in the project; and

(C) provide for an evaluation of the effectiveness of the project in achieving its purpose and the purposes of this section.

(2)(A) The Secretary may approve an application for a grant under subsection (b), (c), or (d) only if the Secretary is satisfied that such application, and any document submitted with respect thereto—

(i) demonstrate that—

(I) there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and

(II) there will be such participation in the operation and evaluation of the project, and

(ii) provide for the participation, on an equitable basis, of eligible Indian children—

(I) who reside in the area to be served,

(II) who are enrolled in private nonprofit elementary and secondary schools, and

(III) whose needs are of the type which the program is intended to meet,

to the extent consistent with the number of such children.

(B) In approving applications under this section, the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

(3) The Secretary may approve an application for a grant under subsection (e) only if the Secretary is satisfied that the funds made available under that subsection will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under that subsection, be made available by the State or local educational agency for the activities described in that subsection, and in no case will be used to supplant those funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) For the purpose of making grants under the provisions of this section, there are authorized to be appropriated $35,000,000 for each fiscal year ending prior to October 1, 1993.

(2) For the purpose of making grants under subsection (e)(1), there are authorized to be appropriated $8,000,000 for each of the fiscal years ending prior to October 1, 1993.

25 USC 2622.

SEC. 5322. SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN.

Contracts.

(a) IN GENERAL.—

(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the purpose of—

(A) preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian people, and

(B) providing in-service training for persons teaching in such programs.

(2) Priority shall be given in the awarding of grants, and in the entering into of contracts, under subsection (a) to Indian institutions and organizations.

(b) Fellowships and Traineeships.—

(1) In carrying out the provisions of this section, the Secretary is authorized to award fellowships and traineeships to individuals and to make grants to, and to enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the costs of education allowances. Contracts.

(2) In awarding fellowships and traineeships under this subsection, the Secretary shall give preference to Indians.

(3) In the case of traineeships and fellowships, the Secretary is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

(c) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year ending prior to October 1, 1993, such sums as may be necessary to carry out the provisions of this section.

SEC. 5323. FELLOWSHIPS FOR INDIAN STUDENTS.

25 USC 2623.

(a) In General.—During each fiscal year ending prior to October 1, 1993, the Secretary is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not more than 4 academic years leading toward a post baccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

(b) Stipends.—The Secretary shall pay to persons awarded fellowships under subsection (a) such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(c) Payments to Institutions In Lieu of Tuition.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship awarded under subsection (a) is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Secretary may determine to be necessary to cover the cost of education provided the holder of such a fellowship.

(d) Special Rules.—

(1) The Secretary may, if a fellowship awarded under subsection (a) is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.

(2) By no later than the date that is 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of the amount of such fellowship and of any stipends or other payments that will be made under this section to, or for the benefit of, such individual for such academic term.

(3) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

(e) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1989, and for each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this section.

25 USC 2624.

SEC. 5324. GIFTED AND TALENTED.

(a) Establishment of Centers.—The Secretary shall establish 2 centers for gifted and talented Indian students at tribally controlled community colleges.

Contracts.

(b) Demonstration Projects.—

(1) The Secretary shall award separate grants to, or enter into contracts with—

(A) 2 tribally controlled community colleges that—

(i) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978, and

(ii) are fully accredited, or

(B) if acceptable applications are not submitted to the Secretary by 2 of such colleges, the American Indian Higher Education Consortium,

for the establishment of centers under subsection (a) and for demonstration projects designed to address the special needs of Indian students in elementary and secondary schools who are gifted and talented and to provide those support services to their families that are needed to enable the students to benefit from the project.

Children's Television Network.

(2) Any person to whom a grant is made, or with whom a contract is entered into, under paragraph (1) may enter into a contract with any other persons, including the Children's Television Workshop, for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

(3) Demonstration projects funded under this section may include—

(A) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these students and to the provision of those support services to their families that are needed to enable these students to benefit from the project;

(B) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions;

(C) the provision of technical assistance and the coordination of activities at schools which receive grants under subsection (d) with respect to the activities funded by such grants, the evaluation of programs at such schools funded by such grants, or the dissemination of such evaluations;

(D) the use of public television in meeting the special educational needs of such gifted and talented children;

(E) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of those support services to their families that are needed to enable such children to benefit from the project.

(c) ADDITIONAL GRANTS.—

(1) The Secretary, in consultation with the Secretary of the Interior, shall provide 5 grants to schools that are Bureau funded schools for program research and development regarding, and the development and dissemination of curriculum and teacher training material regarding—

(A) gifted and talented students,

(B) college preparatory studies (including programs for Indian students interested in teaching careers),

(C) students with special culturally related academic needs, including social, lingual, and cultural needs, and

(D) math and science education.

(2) Applications for the grants provided under paragraph (1) shall be submitted to the Secretary in such form and at such time as the Secretary may prescribe. Applications for such grants by Bureau schools, and the administration of any of such grants made to a Bureau school, shall be undertaken jointly by the supervisor of the Bureau school and the local school board.

(3) Grants may be provided under paragraph (1) for one or more activities described in paragraph (1).

(4) In providing grants under paragraph (1), the Secretary shall—

(A) achieve a mixture of programs described in paragraph (1) which ensures that students at all grade levels and in all geographic areas of the United States are able to participate in some programs funded by grants provided under this subsection, and

(B) ensure that a definition of the term "gifted and talented student" for purposes of this section and section 1128(c)(1)(A)(ii) of the Education Amendments of 1978 is developed as soon as possible.

(5) Subject to the availability of appropriated funds, grants provided under paragraph (1) shall be made for a 3-year period and may be renewed by the Secretary for additional 3-year periods if performance by the grantee is satisfactory to the Secretary.

(6)(A) The dissemination of any materials developed from activities funded by grants provided under paragraph (1) shall be carried out in cooperation with institutions receiving funds under subsection (b).

Reports.

(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (4)(B).

(7)(A) The costs of evaluating any activities funded by grants made under paragraph (1) shall be divided between the school conducting such activities and the evaluator.

Contracts.

(B) If no funds are provided under subsection (b) for—

(i) the evaluation of activities funded by grants made under paragraph (1),

(ii) technical assistance and coordination with respect to such activities, or

(iii) dissemination of such evaluations,

the Secretary shall, by grant or through contract, provide for such evaluations, technical assistance, coordination, and dissemination.

(d) INFORMATION NETWORK.—The Secretary shall encourage persons to whom a grant is made, or with whom a contract is entered into, under this section to work cooperatively as a national network so that the information developed by such persons is readily available to the entire educational community.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 for the purpose of carrying out the provisions of this section. Such sums shall remain available until expended.

Grants.

Subpart 3—Special Programs Relating to Adult Education for Indians

25 USC 2631.

SEC. 5330. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

(a) IN GENERAL.—The Secretary shall carry out a program of awarding grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs which are designed to stimulate—

(A) the provision of basic literacy opportunities to all nonliterate Indian adults, and

(B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians; and

Public information.

(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(b) EDUCATIONAL SERVICES.—The Secretary is authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

Contracts.

(c) INFORMATION AND EVALUATION.—The Secretary is also authorized to make grants to, and to enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations for—

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of such programs in achieving the purposes of such programs with respect to such adults.

(d) APPLICATIONS.—

(1) Applications for a grant under this section shall be submitted at such time, in such manner, contain such information, and be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

(A) set forth a statement describing the activities for which assistance is sought; and

(B) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

(2) The Secretary shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that—

(A) there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and

(B) there will be such a participation in the operation and evaluation of the project.

(3) In approving applications under subsection (a), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1989, and for each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this section.

Subpart 4—Program Administration

SEC. 5341. OFFICE OF INDIAN EDUCATION.

Establishment.
25 USC 2641.

(a) IN GENERAL.—There is established, in the Department of Education, an Office of Indian Education.

(b) DIRECTOR.—

(1) The Office of Indian Education shall be under the direction of the Director of the Office of Indian Education, who shall be appointed by the Secretary from a list of nominees submitted to the Secretary by the National Advisory Council on Indian Education.

(2) The Director of the Office of Indian Education shall—

(A) be responsible for administering the provisions of this part,

(B) be responsible for the development of all policies and procedures relative to the implementation of this part,

(C) be involved in, and primarily responsible for, development of all policies affecting Indians under programs within the Office of Elementary and Secondary Education of the Department of Education, and

(D) coordinate the development of policy and practices for all programs in the Department of Education relating to Indians and Alaskan Natives.

(2) The Director of the Office of Indian Education shall report directly to the Assistant Secretary of Education for Elementary and Secondary Education.

(3) The Director of the Office of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of

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title 5, United States Code, and shall perform such duties as are delegated or assigned to the Director by the Secretary. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

(c) INDIAN PREFERENCE.—

(1)(A) All professional staff within the Office of Indian Education shall have experience with Indian education programs. The Secretary shall give a preference to Indians in all personnel actions within the Office of Indian Education. Such preference shall be implemented in the same fashion as the preference given to any veteran referred to in subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code.

(B) The provisions of this paragraph shall apply to all personnel actions taken after the date of enactment of this Act.

(2) The Secretary shall provide a one-time preference for qualified individuals who—

(A) are not Indians,

(B) are serving within the Office of Indian Education on the date of enactment of this Act, and

(C) desire to take another position in the Department of Education which is not within the Office of Indian Education and for which there is a vacancy.

Establishment.
25 USC 2642.

SEC. 5342. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) IN GENERAL.—

(1) There is hereby established the National Advisory Council on Indian Education (hereafter in this subpart referred to as the "National Council"), which—

(A) shall consist of 15 members who are Indians appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and

(B) shall represent diverse geographic areas of the country.

Termination date.

(2) Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until October 1, 1993.

(b) FUNCTIONS.—The National Council shall—

(1) advise the Secretary with respect to—

(A) the administration (including the development of regulations and of administrative practices and policies) of any program—

(i) in which Indian children or adults participate, or

(ii) from which they can benefit, including this part, and

(B) adequate funding of such programs;

(2) review applications for assistance under this part and make recommendations to the Secretary with respect to their approval;

(3) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1; Regulations.

(6) submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs, and

(7) submit to the Congress by no later than June 30 of each year a report on its activities, which shall include— Reports.

(A) any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and

(B) a statement of the National Council's recommendations to the Secretary with respect to the funding of any such programs.

(c) CONTRACTING.—With respect to functions of the National Council described in paragraphs (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) FUNDING.—From sums appropriated pursuant to section 400(d) of the General Education Provisions Act which are available for part D of such Act, the Secretary shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

SEC. 5343. AUTHORIZATION OF APPROPRIATIONS. 25 USC 2643.

There are authorized to be appropriated for fiscal year 1989, and each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this subpart.

Subpart 5—Miscellaneous

SEC. 5351. DEFINITIONS. 25 USC 2651.

For purposes of this part—

(1) The term "adult" means any individual who—

(A) is 16 years old or older, or

(B) who is beyond the age of compulsory school attendance under State law.

(2) The term "adult education" means instruction or services below college level for adults who are not enrolled in a secondary school and who do not have—

(A) the basic skills to enable them to function effectively in society, or

(B) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).

(3) The term "free public education" means education that is provided at public expense, under public supervision and direction, and without tuition charge, and that is provided as elementary or secondary education in the applicable State.

(4) The term "Indian" means any individual who is—

(A) a member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organized group), including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,

(B) a descendant, in the first or second degree, of an individual described in subparagraph (A),

(C) considered by the Secretary of the Interior to be an Indian for any purpose,

(D) an Eskimo, Aleut, or other Alaska Native, or

(E) is determined to be an Indian under regulations promulgated by the Secretary after consultation with the National Advisory Council on Indian Education.

(5)(A) The term "local educational agency" has the meaning given to such term by section 198(a)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854(a)(10)).

(B) The term "local educational agency", for purposes of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)(2)) includes—

(i) any Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, that operates a school for the children of that tribe if the school either—

(I) provides its students an educational program that meets the standards established by the Secretary of the Interior under section 1121 of the Education Amendments of 1978, or

(II) is operated by that tribe or organization under a contract with the Department of the Interior in accordance with the Indian Self-Determination and Education Assistance Act, and

(ii) for the fiscal year described in section 5312(b)(3)(A) and each succeeding fiscal year, any school operated by the Bureau of Indian Affairs of the Department of the Interior, either individually or in cooperation with any other local education agency.

(6) The term "parent" includes an individual acting in loco parentis, other than by virtue of being a school administrator or official.

(7) The term "Secretary" means the Secretary of Education.

(8) The terms "Bureau school", "contract school", and "Bureau funded school" have the respective meaning given to such terms by section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019).

SEC. 5352. CONFORMING AMENDMENTS.

The following provisions of law are hereby repealed:

(1) The Indian Elementary and Secondary School Assistance Act.

20 USC 241aa *et seq.*

(2) Section 1005 of the Elementary and Secondary Education Act of 1965.

20 USC 3385.

(3) Section 315 of the Adult Education Act.

(4) Sections 421(b)(2), 422, 423, 441, 442, and 453 of the Indian Education Act (title IV of Public Law 92-318).

20 USC 1211, 1411 note, 3385a, 3385b, 1221f-1221h.

PART D—MISCELLANEOUS PROVISIONS

SEC. 5401. NAVAJO COMMUNITY COLLEGE.

Paragraph (1) of section 5(b) of the Navajo Community College Act (25 U.S.C. 640c-1(b)(1)) is amended to read as follows:

Appropriation authorization.
Grants.

"(1) There are authorized to be appropriated for grants to the Navajo Community College, for each fiscal year, an amount necessary to pay expenses incurred for—

"(A) the maintenance and operation of the college, including—

"(i) basic, special, developmental, vocational, technical, and special handicapped education costs,

"(ii) annual capital expenditures, including equipment needs, minor capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account, and

"(iii) summer and special interest programs,

"(B) major capital improvements, including internal capital outlay funds and capital improvement projects,

"(C) mandatory payments, including payments due on bonds, loans, notes, or lease purchases, and

"(D) supplemental student services, including student housing, food service, and the provision of access to books and services.".

SEC. 5402. PAYMENT OF GRANTS; INTEREST.

(a) TRIBALLY CONTROLLED COMMUNITY COLLEGES.—Subsection (b) of section 108 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808(b)) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(1) The Secretary", and

(2) by adding at the end thereof the following new paragraphs: Securities.

"(2) Notwithstanding any other provision of law, the Secretary shall not, in disbursing funds provided under this title, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under this title.

"(3)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this title after such funds are paid to the tribally controlled community college and before such funds are expended for the purpose for which such funds were provided under this title shall be the property of the tribally controlled community college and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to the tribally controlled community college under any provision of Federal law.

"(B) All interest or investment income described in subparagraph (A) shall be expended by the tribally controlled community college by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

"(4) Funds provided under this title may only be invested by the tribally controlled community college in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.".

(b) NAVAJO COMMUNITY COLLEGE.—The Navajo Community College Act is amended by adding at the end thereof the following new section:

"PAYMENTS; INTEREST

"SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under this Act, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under this Act. 25 USC 640c-3.

Securities. "(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under this Act after such funds are paid to the Navajo Community College and before such funds are expended for the purpose for which such funds were provided under this Act shall be the property of the Navajo Community College and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to the Navajo Community College under any provision of Federal law.

"(B) All interest or investment income described in subparagraph (A) shall be expended by the Navajo Community College by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

"(2) Funds provided under this Act may only be invested by the Navajo Community College in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.".

SEC. 5403. MATCHING FUNDS.

(a) TRIBALLY CONTROLLED COMMUNITY COLLEGES.—Section 109 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1809) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, funds provided under this title to the tribally controlled community college may be treated as non-Federal, private funds of the college for purposes of any provision of Federal law which requires that non-Federal or private funds of the college be used in a project or for a specific purpose.".

25 USC 640c-2. (b) NAVAJO COMMUNITY COLLEGE.—Section 6 of the Navajo Community College Act is amended—

(1) by striking out "Except" and inserting in lieu thereof "(a) Except", and

(2) by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, funds provided under this Act to the Navajo Community College may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law which requires that non-Federal or private funds of the college be used in a project or for a specific purpose.".

25 USC 309b. (c) VOCATIONAL EDUCATION FUNDS.—Notwithstanding any other provision of law, funds provided by the Bureau for adult vocational education to any vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965) may be treated as non-Federal, private funds of such school for purposes of any provision of Federal law which requires that non-Federal or private funds of such school be used in a project or for a specific purpose.

25 USC 13d-2. SEC. 5404. ENROLLMENT AND GENERAL ASSISTANCE PAYMENTS.

(a) IN GENERAL.—The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau has been making general assistance payments for at least 3 months (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—

(1) a college assisted by the Bureau under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801) or the Navajo Community College Act (85 Stat. 645; 25 U.S.C. 640a);

(2) an institution of higher education or a vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965);

(3) a course the Secretary determines will lead to a high school diploma or an equivalent certificate; or

(4) other programs or training approved by the Secretary.

(b) Factors Not To Be Considered.—In determining the amount of general assistance provided by the Bureau of Indian Affairs, the Secretary of the Interior shall not include consideration of—

(1) additional expenses in connection with the study or training described in subsection (a), and

(2) the amount of any financial assistance received by the individual as a student or trainee.

(c) No Effect on Other Eligibility Requirements.—This section does not alter any eligibility requirement for general assistance from the Bureau of Indian Affairs other than the requirement to be available for employment and to seek employment.

SEC. 5405. USE OF BUREAU FACILITIES.

25 USC 17.

(a) In General.—The Secretary of the Interior may permit tribal, student, and other non-Federal organizations to use facilities, lands, and equipment administered by the Bureau of Indian Affairs if such use does not interfere with the purpose for which the facilities, land, and equipment are administered by the Bureau. The Secretary of the Interior may charge the user for the actual or estimated additional cost of utilities or other expenses incurred because of the use and the amounts collected shall be credited to the appropriation or fund from which the expenses are paid.

(b) Scope of Authority.—The authority provided by this section is in addition to, and not in derogation of, any other authority available to the Secretary of the Interior.

SEC. 5406. INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

(a) Termination of Civil Service Positions.—Paragraph (1) of section 1509(g) of the Higher Education Amendments of 1986 (20 U.S.C. 4416(g)(1)) is amended by striking out "At the end of the 2-year period beginning on the date referred to in section 1514(f)" and inserting in lieu thereof "On June 30, 1989".

(b) Endowment Program.—Section 1518 of the Higher Education Amendments of 1986 (20 U.S.C. 4425) is amended—

(1) by striking out "From the amount appropriated pursuant to section 1521(a), the Secretary shall make available to the Institute not more than $500,000 which" in subsection (a)(1) and and inserting in lieu thereof "From amounts appropriated under section 1531(a), not more than $500,000", and

(2) by striking out "Allocation of Funds.—From the amount appropriated pursuant to section 1521(a), the Secretary shall allocate to the Institute an amount for" in subsection (d) and inserting in lieu thereof "Payment of Federal Contribu-

TION.—Amounts appropriated under section 1531(a) for use under this section shall be paid by the Secretary of the Treasury to the Institute as".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1531 of the Higher Education Amendments of 1986 (20 U.S.C. 4451(a)) is amended to read as follows:

"(a) PART A.—

"(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of part A.

"(2) Funds appropriated under the authority of paragraph (1) shall remain available without fiscal year limitation.

"(3) Except as provided for amounts subject to section 1518(d), amounts appropriated under the authority of this subsection for fiscal year 1989, and for each succeeding fiscal year, shall be paid to the Institute at the later of—

"(A) the beginning of the fiscal year, or

"(B) upon enactment of such appropriation.".

(d) UNOBLIGATED APPROPRIATION AND RESPONSIBILITY FOR OBLIGATIONS.—Subsection (e) of section 1514 of the Higher Education Amendments of 1986 (20 U.S.C. 4421(e)) is amended by adding at the end thereof the following new paragraphs:

"(3) Any funds appropriated for the Institute for fiscal year 1988 that are not expended or obligated on the date described in paragraph (2) shall be paid to the Institute within 10 days of that date.

"(4) The Institute shall be responsible for all obligations of the Institute incurred after the date described in paragraph (2) and the Secretary of the Interior shall be responsible for all obligations of the Institute incurred on or before that date.

(e) ACCOUNTING FOR NON-FEDERAL FUNDS.—Section 1507 of the Higher Education Amendments of 1986 (20 U.S.C. 4414) is amended—

(1) by striking out "In carrying out" and inserting in lieu thereof "(a) IN GENERAL.—In carrying out", and

(2) by adding at the end thereof the following new subsection:

"(b) ACCOUNTING FOR NON-FEDERAL FUNDS.—Any funds received by, or under the control of, the Institute that are not Federal funds shall be accounted for separately from Federal funds.".

(f) BUDGET PROPOSALS.—Subsection (b) of section 1515 of the Higher Education Amendments of 1986 (20 U.S.C. 4422(b)) is amended—

(1) by striking out "During the 2-year period beginning on the date referred to in section 1514(f)" in paragraph (1) and inserting in lieu thereof "Prior to October 1, 1988", and

(2) by striking out "the period described in paragraph (1)" in paragraph (2) and inserting in lieu thereof "September 30, 1988".

PART E—WHITE HOUSE CONFERENCE ON INDIAN EDUCATION

25 USC 2001 note.

SEC. 5501. FINDINGS.

The Congress finds that—

(1) the Government of the United States has a special relationship with the Indians which has given rise to a responsibility to assure superior educational opportunities for all Indians;

(2) this responsibility is being carried out by Federal schools and federally funded programs;

(3) while the States provide educational services to the majority of Indian students in the United States, the State services are largely funded by Federal funds and are not, in any way, in derogation of the Federal responsibility;

(4) changes in the Federal and State systems in the past decade and the growth of tribal control over schools has led to substantial improvements in the educational opportunities and successes of Indian students;

(5) substantial and substantive problems continue to exist and interfere with the realization of full opportunities for Indian students; and

(6) identification of these problems through the convening of a White House conference will facilitate formulation of solutions.

SEC. 5502. AUTHORIZATION TO CALL CONFERENCE.

25 USC 2001 note.
President of U.S.

(a) In General.—The President shall call and conduct a White House Conference on Indian Education (hereafter in this part referred to as the "Conference") which shall be held not earlier than September 1, 1989, and not later than September 30, 1991.

(b) Purpose.—The purpose of the White House Conference on Indian Education shall be to—

(1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing Federal programs relating to the education of Indians, and

(2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians, in accordance with the findings set forth in section 5501.

SEC. 5503. COMPOSITION OF CONFERENCE.

25 USC 2001 note.

(a) In General.—The Conference shall be composed of—

(1) representatives of the Bureau of Indian Affairs of the Department of the Interior;

(2) representatives of Indian educational institutions, public schools, agencies, organizations and associations that deal with the education of Indians;

(3) educators from reservations and urban areas where Indians make up a substantial portion of the student population; and

(4) individuals with a special knowledge of, and special competence in dealing with, Indians and Indian problems, including education and health.

(b) Selection.—The President shall select one-third of the participants of the Conference, the Speaker of the House of Representatives shall select one-third of the participants, and the President pro tempore of the Senate shall select the remaining one-third of the participants.

(c) Distribution of Participants.—In selecting the participants of the Conference the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall ensure that—

(1) one-fourth of the participants are individuals who are currently active educators on Indian reservations;

(2) one-fourth of the participants are educators selected from urban areas with large concentrations of Indians;

(3) one-fourth of the participants are individuals who are Federal and tribal government officials; and

(4) one-fourth of the participants are Indians, including members of Indian tribes that are not recognized by the Federal Government.

25 USC 2001 note.

SEC. 5504. ADMINISTRATIVE PROVISIONS.

(a) PLANNING AND DIRECTION.—The Conference shall be planned and conducted by the Interagency Task Force on the White House Conference on Indian Education (hereafter in this part referred to as the "Task Force").

(b) ESTABLISHMENT OF TASK FORCE.—

(1) If the President calls the Conference, the Secretary of the Interior and the Secretary of Education, acting jointly, shall establish the Task Force on the White House Conference on Indian Education which shall consist of such employees of the Department of the Interior and the Department of Education as the Secretary of the Interior and the Secretary of Education determine to be necessary to enable the Task Force to carry out its duties.

(2) The Secretary of the Interior and the Secretary of Education shall each appoint no less than 2 professional staff members and one support staff member to the Task Force.

(3) All staff assigned to the Task Force shall work on preparations for, and the conduct of, the Conference on a full-time basis.

(4) The Secretary of the Interior shall provide office space and materials for the Task Force, including an allowance for mailing costs.

(5) Each professional staff person appointed to the Task Force shall have expertise directly related to Indian education and at least one person appointed by the Secretary of the Interior shall be experienced in dealing with the Congress, Indian tribes, and nongovernmental organizations.

(6) The Secretary of the Interior and the Secretary of Education, acting jointly, shall designate one staff person as the Director of the Task Force.

(c) FUNCTION OF THE TASK FORCE.—The Task Force shall—

(1) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(2) prepare and make available background materials for the use of participants in the Conference and any associated State conferences, and prepare and distribute such reports of the Conference and of any associated State conferences as may be appropriate;

(3) make technical and financial assistance (by grants, contracts, or otherwise) available to the States and intertribal organizations to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(4) conduct fiscal oversight activities with respect to the preparation for, and the convening of, the Conference, including contracting for the services of an auditor.

(d) Federal Agency Cooperation and Assistance.—

(1) Each Federal department and agency shall cooperate with, and provide assistance to, the Task Force upon request made by the Task Force under subsection (c)(1). For that purpose, each Federal department and agency is authorized and encouraged to provide personnel to the Task Force.

(2) The Commissioner of the Administration for Native Americans of the Department of Health and Human Services and the Director of the Indian Health Service of the Department of Health and Human Services are authorized to detail personnel to the Task Force, upon request, to enable the Task Force to carry out its functions under this part.

(e) Personnel.—In carrying out the provisions of this part, the Task Force is authorized to engage such personnel as may be necessary to assist the Conference and the Advisory Committee of the Conference, without regard for the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(f) Expenses.—Participants in the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed such travel expenses, including per diem in lieu of subsistence, as are allowed under section 5703 of title 5, United States Code. Such expenses may be paid by way of advances, reimbursement, or in installments, as the Task Force may determine.

SEC. 5505. REPORTS.

25 USC 2001 note.

(a) In General.—A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the close of the Conference. The final report shall be made public and, within 90 days after its receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations of the President with respect to such report.

Public information.

(b) Distribution.—The Conference is authorized to publish and distribute for the Conference the reports authorized under this part. Copies of all such reports shall be provided to the Federal depository libraries.

Public information.

SEC. 5506. ADVISORY COMMITTEE.

Establishment. 25 USC 2001 note.

(a) Composition.—There is hereby established the Advisory Committee of the Conference (hereafter in this part referred to as the "Advisory Committee") composed of—

(1) five individuals designated by the Speaker of the House of Representatives, with not more than three being Members of the House of Representatives;

(2) five individuals designated by the President pro tempore of the Senate, with not more than three being Members of the Senate;

(3) ten individuals appointed by the President;

(4) the Assistant Secretary of the Interior for Indian Affairs or a delegate of the Assistant Secretary;

(5) the Secretary of Education or a delegate of the Secretary; and

(6) the Director of the Task Force.

The President, the President pro tempore of the Senate, and the Speaker of the House of Representatives, shall, after consultation with Indian tribes, ensure that members of the Advisory Committee are broadly representative of all Indians of the United States.

(b) Function.—The Advisory Committee shall assist and advise the Task Force in planning and conducting the Conference.

(c) Administration.—

(1) The Director of the Task Force shall serve as vice chairman of the Advisory Committee. The Advisory Committee shall elect the chairman of the Advisory Committee from among those members of the Advisory Committee who are not full-time Federal employees.

(2) The Advisory Committee shall select the chairman of the Conference.

(3) The chairman of the Advisory Committee is authorized to establish, prescribe functions for, and appoint members to such advisory and technical committees as may be necessary to assist and advise the Task Force in carrying out its duties.

(d) Compensation.—Members of any committee established under this section who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation at a rate fixed by the President that does not exceed the rate of pay specified at the time of such service for grade GS-18 under section 5332, of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code.

25 USC 2001 note.
Grants.

SEC. 5507. GIFTS AND TITLE TO CERTAIN PROPERTY.

(a) Gifts.—The Task Force shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Task Force in furtherance of the Conference. Such grants, gifts, or bequests offered the Task Force, shall be paid by the donor or his representative into the Treasury of the United States in a special account to the credit of the Conference for the purposes of this part.

(b) Disposition of Materials.—Materials and equipment acquired for the use of the Conference, or for the Task Force, shall be transferred to the Bureau of Indian Affairs after the close of the Conference.

25 USC 2001 note.

SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of the fiscal years 1988, 1989, and 1990 such sums as may be necessary to carry out this part. Such sums shall remain available until expended.

NACIE 17TH ANNUAL REPORT - APPENDIX F

Public Law 100-427
100th Congress

An Act

To make clarifying, corrective, and conforming amendments to laws relating to Indian education, and for other purposes.

Sept. 9, 1988
[H.R. 5174]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUREAU FUNDED SCHOOLS.

(a) **Factors.**—Section 1121(k)(1) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(1)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "has not previously received funds from the Bureau" and inserting in lieu thereof "is not a Bureau funded school";

(B) by striking out "Bureau school board" and inserting in lieu thereof "school board of any Bureau funded school";

(C) by striking out "has not previously been operated or funded by the Bureau" in subclause (I) and inserting in lieu thereof "is not a Bureau funded school"; and

(D) by striking out "any program currently funded by the Bureau" in subclause (II) and inserting in lieu thereof "a Bureau funded school"; and

(2) in subparagraph (B)(iii), by striking out "a Bureau operated program" and inserting in lieu thereof "a Bureau funded school".

(b) **Application.**—Section 1121(k)(6)(A) of the Education Amendments of 1978 (25 U.S.C. 2001(k)(6)(A)) is amended—

(1) by striking out "tribally controlled school" and inserting in lieu thereof "contract school"; and

(2) by striking out "the date of enactment of this Act" and inserting in lieu thereof "April 28, 1988,".

(c) **Definitions.**—(1) Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;".

(2) Section 1139(5) of the Education Amendments of 1978 (25 U.S.C. 2019) is amended—

(A) by striking out "104(1)" and inserting in lieu thereof "104(a)"; and

(B) by striking out "450h(1)" and inserting in lieu thereof "450h(a)".

(3) Section 1126(a) of the Education Amendments of 1978 (25 U.S.C. 2006(a)) is amended by striking out "(hereinafter referred to as the 'Office')".

SEC. 2. ALLOTMENT FORMULA.

(a) Fiscal Year 1990.—Section 1128(c)(1)(B) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(1)(B)) is amended by striking out "an average daily attendance of" and inserting in lieu thereof "an enrollment of".

(b) Technical Amendments.—(1) Clause (i) of section 1128(c)(4)(A) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(4)(A)) is amended by striking out "Amendments" and inserting in lieu thereof "Act".

(2) Clause (iii) of section 5107(b)(1)(A) of the Indian Education Amendments of 1988 (20 U.S.C. 1411 note) is amended—

(A) by striking out "602(1)" and inserting in lieu thereof "602(a)(1)"; and

(B) by striking out "401(1)" and inserting in lieu thereof "1401(a)(1)".

(c) Contract Schools Treated as Political Subdivisions.—Section 1128(c)(5) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(5)) is amended by striking out "schools operated by Indian tribes" and inserting in lieu thereof "contract schools".

SEC. 3. EMERGENCIES AND UNFORESEEN CONTINGENCIES.

Section 1128(d) of the Education Amendments of 1978 (25 U.S.C. 2008(d)) is amended to read as follows:

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.".

Reports.

SEC. 4. ADMINISTRATIVE COST GRANTS.

(a) Amount of Grant; Rate Applicable Only to Educational Activities.—Section 1128A(b)(1) of the Education Amendments of 1978 (25 U.S.C. 2008a(b)(1)) is amended—

(1) by striking out "to each of the direct cost education programs" and inserting in lieu thereof "to the aggregate of the Bureau elementary and secondary functions"; and

(2) by adding at the end thereof the following new sentence: "The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.".

(b) Single Administrative Cost Account.—Subsection (d)(1)(A) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by inserting "tribe or" before "contract school" each place it appears.

(c) Studies.—Subsection (f) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.".

(d) Grant Schools.—Section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) is amended by adding at the end thereof the following new subsection:

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.".

SEC. 5. SCHOOL BOARD TRAINING.

(a) Effective Date.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended by adding at the end thereof the following new subparagraph:

"(D) This paragraph shall take effect on October 1, 1989.".

(b) Set-Aside Amount.—Clause (ii) of section 1128(c)(3)(C) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)(C)) is amended by striking out "2 percent" and inserting in lieu thereof "1 percent".

SEC. 6. COORDINATED PROGRAMS.

Section 1129(f)(1) of the Education Amendments of 1978 (25 U.S.C. 2009(f)(1)) is amended—

(1) by striking out "a school" and inserting in lieu thereof "a Bureau school";

(2) by striking out "whose children are served by a program operated by the Bureau";

(3) by striking out "education programs operated by the Bureau" and inserting in lieu thereof "the school"; and

(4) in subparagraph (A), by striking out "if a facility operated by the Bureau which is currently accredited by a State or regional accrediting entity would continue to be accredited" and inserting in lieu thereof "unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited".

SEC. 7. CONSULTATION.

Section 1130(b)(2) of the Education Amendments of 1978 (25 U.S.C. 2010(b)(2)) is amended by striking out "from information educed or presented during the discussions" and substituting in lieu thereof "from information educed or presented by the interested parties during one or more of the discussions and deliberations.".

SEC. 8. PERSONNEL STUDIES.

Section 5113 of the Indian Education Amendments of 1988 (25 U.S.C. 2011 note) is amended—

(1) in subsection (a)(2), by striking out "schools operated within the United States" and inserting in lieu thereof "elementary and secondary schools operated"; and

(2) in subsection (e), by striking out "11" and inserting in lieu thereof "XI".

SEC. 9. REGULAR COMPENSATION OF BUREAU EDUCATORS; NON-VOLUNTARY FURLOUGHS.

(a) COMPENSATION.—Section 1131(h)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(h)(1)) is amended—

(1) in subparagraph (B), by striking out "the close of the 6-month period beginning on the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "October 28, 1988";

(2) in subparagraph (C), by striking out "the close of the 6-month period described in subparagraph (B)" and inserting in lieu thereof "October 28, 1988";

(3) in subparagraph (C)(i), by striking out "the date of enactment of the Indian Education Amendments of 1988" and inserting in lieu thereof "April 28, 1988,";

(4) in subparagraph (E)(i), by striking out "any individual employed in an education position on the day before the date of enactment of the Indian Education Amendments of 1988 if this paragraph did not apply to such individual on such day" and inserting in lieu thereof "an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o)"; and

(5) in subparagraph (E)(iii), by inserting before the period ", except that the individual must use leave accrued during a contract period by the end of that contract period".

(b) APPLICATION.—Section 1131(o) of the Education Amendments of 1978 (25 U.S.C. 2011(o)) is amended—

(1) in paragraph (1)—

(A) by striking out "This section shall apply with respect to any individual hired after the effective date of subsection (a)(2) for employment in an education position" and inserting in lieu thereof "Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2))"; and

(B) by striking out "any individual employed immediately before the effective date of subsection (a)(2)" and inserting in lieu thereof "an individual employed on October 31, 1979"; and

(2) in paragraph (2)—

(A) by striking out "position immediately before the effective date of subsection (a)(2) may, within five years of the date of enactment of this Act" and inserting in lieu thereof "position on October 31, 1979, may, not later than November 1, 1983"; and

(B) by inserting "of subsections (a) through (n)" after "provisions".

(c) FURLOUGHS.—Section 1131(p)(1) of the Education Amendments of 1978 (25 U.S.C. 2011(p)(1)) is amended—

(1) by striking out "No educator whose basic compensation is paid from funds allocated under section 1128 may be" and inserting in lieu thereof "An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be";

(2) in subparagraph (A), by striking out "a shortage of funds" and inserting in lieu thereof "an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act"; and

(3) by inserting before the period at the end of subparagraph (B) ", except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue one or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply".

Discrimination, prohibition.

(d) FINANCIAL PLANS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding after the first sentence of subsection (b) the following new sentence: "The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board.".

SEC. 10. GRANTS.

Contracts.

(a) IN GENERAL.—Section 5204(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(1)) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract schools;

"(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

"(C) elect to assume operation of Bureau schools with assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.".

(b) RETROCESSION.—Section 5204(f) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(f)) is amended—

(1) by adding the following at the end thereof:

"The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau school or as a contract school under title XI of the Education Amendments of 1978. Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

"(1) with assistance under this part, or

"(2) upon assumption of operation of the program under this part if it was a Bureau funded school under title XI of the

Education Amendments of 1978 before receiving assistance under this part.";

(2) by striking out "tribe" each place it appears in the first sentence and inserting in lieu thereof "tribal governing body"; and

(3) by striking out "Indian" in the first sentence.

(c) Composition.—Section 5205(b)(3)(A)(i) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(3)(A)(i)) is amended by inserting "chapter 1 of" before "title I".

SEC. 11. ELIGIBILITY FOR GRANTS.

(a) In General.—Subparagraphs (A) and (B) of section 5206(a)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(a)(1)) are amended to read as follows:

Contracts.

"(A) was, on April 28, 1988, a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part,

"(B) was a Bureau school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b),".

(b) Additional Requirements for Bureau Funded Schools.—Section 5206(b)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(b)(1)) is amended by striking out "Any school that was operated as a Bureau school on the date of enactment of this Act" and inserting in lieu thereof "A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on April 28, 1988.".

(c) Schools Which Are Not Bureau Funded.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) by amending the subsection heading to read "Additional Requirements for a School Which Is Not a Bureau Funded School.—"; and

(2) in paragraph (1), by striking out "A school for which the Bureau has not provided funds" and inserting in lieu thereof "A school which is not a Bureau funded school under title XI of the Education Amendments of 1978".

(d) Applications and Reports.—Section 5206(d)(1) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(d)(1)) is amended by striking out "the Department of Education" and inserting in lieu thereof "the Bureau of Indian Affairs".

(e) Record of Hearings.—Section 5206(f)(1)(C) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(f)(1)(C)) is amended by inserting "on the record" after "hearing".

SEC. 12. DURATION OF ELIGIBILITY DETERMINATION.

(a) Role of Secretary of Education.—Subclause (I) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended by striking out "as determined by" and inserting in lieu thereof "as recognized by".

(b) Revocation.—Subclause (V) of section 5207(c)(1)(A)(ii) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2506(c)(1)(A)(ii)) is amended—

(1) by striking out the last sentence and inserting in lieu thereof the following: "If the Secretary and a grantee other than the tribal governing body fail to agree on such an evalua-

tor, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply."; and

(2) by inserting "(or revisions of such standards agreed to by the Secretary and the grantee)" after "Education Assistance Act".

(c) APPLICATION.—Section 5207 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) is amended by adding at the end thereof the following new subsection:

25 USC 2506.

"(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

"(1) subsection (b) of this section shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.".

SEC. 13. PAYMENTS OF GRANTS.

(a) PAYMENT.—Paragraph (2) of section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by striking out "under this part" and inserting in lieu thereof "from Bureau funds".

(b) RESTRICTIONS.—Section 5208(a) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended by adding the following new paragraph at the end thereof:

"(3) Paragraphs (1) and (2) of this subsection shall be subject to any restriction on amounts of payments under this part that may be imposed by a continuing resolution or other Act appropriating the funds involved.".

SEC. 14. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended—

(1) in subsection (b) by adding at the end thereof the following:

Effective date.

"(3) In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election. For fiscal year 1989, the Secretary may waive this paragraph for elections received prior to September 30, 1988."; and

(2) by adding the following new subsections at the end thereof:

Contracts.

"(d) TRANSFERS AND CARRYOVERS.—

"(1) A tribe or tribal organization assuming the operation of a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(2) A tribe or tribal organization assuming the operation of a contract school with assistance under this part shall be entitled to the transfer or use of the buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(3) Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather than to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

Grants. Contracts.

"(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2) of this Act, any dispute regarding the amount of a grant under section 5205 (and the amount of any funds referred to in that section), any payments to be made under section 5208 of this Act, and any dispute involving the amount of, or payment of, the administrative grant under section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a) shall be handled under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-658; 25 U.S.C. 450 et seq.).".

SEC. 15. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 5312 of the Indian Education Act of 1988 (25 U.S.C. 2602) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(1) For any fiscal year for which appropriations are authorized under section 5316 of this Act, the Secretary shall determine the number of Indian children who were enrolled in the schools of each local educational agency that applies for a grant, and for whom such agency provided free public education, during such fiscal year.";

(2) in subsection (b)(2)(A), by striking all after "the product of—" and inserting in lieu thereof the following:

"(i) the number of Indian children determined under paragraph (1), multiplied by

"(ii) the average per pupil expenditure per local educational agency, as determined under subparagraph (C), bears to the sum of such products for all such local educational agencies.";

(3) in the first sentence of subsection (b)(2)(B)—

(A) by striking out "eligible"; and

(B) by inserting "determined under paragraph (1)" after "children";

(4) in subsection (b)(3), by striking out "5315(c)(2)" and inserting in lieu thereof "5315(c)"; and

(5) in subsection (c)(1), by striking out "in accordance with the provisions of this subpart" and inserting in lieu thereof ", on a competitive basis,".

SEC. 16. APPLICATIONS FOR GRANTS; CONDITIONS FOR APPROVAL.

Section 5314 of the Indian Education Act of 1988 (25 U.S.C. 2604) is amended—

(1) in subsection (a)—

(A) by striking out "provided"; and

(B) by striking out "5312(b)" and inserting in lieu thereof "5312(c)";

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(2) in subsection (b)(3), by inserting "," after "procedures" the first place it appears;

(3) in subsection (d)(1), by striking out "include a form" and inserting in lieu thereof "be supported by a form, maintained in the files of the applicant,";

(4) in subsection (d)(2)(A)(ii), by striking out "grandparents," and inserting in lieu thereof "grandparents";

(5) in subsection (d)(2)(B), by striking out "applicant" and inserting in lieu thereof "child";

(6) in subparagraphs (C) and (D) of subsection (d)(2), by striking out "or legal guardian" each place it appears;

(7) in subsection (d)(3)—

(A) by inserting "other" before "information"; and

(B) by inserting after the first sentence the following: "In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at least—

"(A) the child's name;

"(B) the name of the tribe, band, or other organized group of Indians; and

"(C) the parent's dated signature."; and

(8) in subsection (e)(1)—

(A) by striking out "education" in subparagraph (A) and inserting in lieu thereof "educational";

(B) by striking out "provide" in subparagraph (B) and inserting in lieu thereof "provided"; and

(C by striking out "education" in subparagraph (C) and inserting in lieu thereof "educational".

SEC. 17. PAYMENTS.

Section 5315(c) of the Indian Education Act of 1988 (25 U.S.C. 2605(c)) is amended to read as follows:

"(c) REDUCTION FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) The Secretary shall not pay to any local educational agency its full allotment under section 5312 for any fiscal year unless the State educational agency determines that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

State and local governments.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its expenditures at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the allocation of funds to that agency in the exact proportion of that agency's failure to maintain its expenditures at that level, and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) The Secretary may waive the requirements of this subsection for one fiscal year only if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and

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unforeseen decline in the agency's financial resources. The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) in any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of a waiver.".

SEC. 18. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

(a) TRAINING FOR THOSE SERVING INDIAN STUDENTS.—Section 5321(d) of the Indian Education Act of 1988 (25 U.S.C. 2621(d)) is amended by adding at the end thereof the following:

Grants.

"(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.".

(b) TECHNICAL AMENDMENTS.—Subparagraphs (B) and (C) of section 5321(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(e)(1)) are each amended by striking out "upon request" and inserting in lieu thereof ", upon request,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 5321(g)(1) of the Indian Education Act of 1988 (25 U.S.C. 2621(g)(1)) is amended by inserting ", other than subsection (e)(1)" after "this section".

SEC. 19. FELLOWSHIPS FOR INDIAN STUDENTS.

(a) TECHNICAL CORRECTION.—Section 5323(a) of the Indian Education Act of 1988 (25 U.S.C. 2623(a)) is amended by striking out "post baccalaureate" and inserting in lieu thereof "postbaccalaureate".

(b) TABLE OF CONTENTS.—The item relating to section 5323 in the table of contents contained in section 1(b) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 139) is amended to read as follows:

"Sec. 5323. Fellowships for Indian Students.".

SEC. 20. GIFTED AND TALENTED.

(a) DEMONSTRATION PROJECTS.—Section 5324(b)(3)(C) of the Indian Education Act of 1988 (25 U.S.C. 2624(b)(3)(C)) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(b) ADDITIONAL GRANTS.—Section 5324(c) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)) is amended—

(1) in paragraph (4)(B), by striking out "1128(c)(1)(A)(ii)" and inserting in lieu thereof "1128(c)(4)(A)(i)"; and

(2) in paragraph (7)(A), by striking out "evaluator" and inserting in lieu thereof "demonstration project recipients under subsection (b)".

SEC. 21. OFFICE OF INDIAN EDUCATION.

Section 5341(b)(2)(D) of the Indian Education Act of 1988 (25 U.S.C. 2641(b)(2)(D)) is amended by striking out "Alaskan" and inserting in lieu thereof "Alaska".

SEC. 22. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

Section 5342(a)(1)(A) of the Indian Education Act of 1988 (25 U.S.C. 2642(a)(1)(A)) is amended by striking out "Indians" and inserting in lieu thereof "Indians,".

SEC. 23. DEFINITIONS.

Section 5351 of the Indian Education Act of 1988 (25 U.S.C. 2651) is amended—

(1) by amending paragraph (4)(A) to read as follows:

"(A) a member (as defined by an Indian tribe, band, or other organized group) of such Indian tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,";

(2) in paragraph (5)(A)—

(A) by striking out "The" and inserting in lieu thereof "Except as provided in subparagraph (B), the";

(B) by striking out "section 198(a)(10)" and inserting in lieu thereof "section 1471(12)"; and

(C) by striking out "(20 U.S.C. 2854(a)(10))" and inserting in lieu thereof "(20 U.S.C. 2891(12)"; and

(3) in paragraph 5(B)—

(A) by striking out "The term" and all that follows through "includes—" and inserting in lieu thereof the following: "For purposes of the formula grant of subpart 1 (except for sections 5314(b)(2)(B)(ii) and 5315(c)), the term 'local educational agency' includes—"; and

(B) by striking out "education" in clause (ii) and inserting in lieu thereof "educational".

SEC. 24. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

Section 108 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808) is amended by adding at the end thereof the following:

"(c) Nothing in this section shall be construed as interfering with, or suspending the obligation of the Bureau for, the implementation of all legislative provisions enacted prior to April 28, 1988, specifically including those of Public Law 98–192.".

SEC. 25. USE OF BUREAU FACILITIES.

(a) IN GENERAL.—Section 5405(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 17(a)) is amended to read as follows:

Public lands.
Public buildings and grounds.

Utilities.

"(a) IN GENERAL.—The Secretary of the Interior may permit tribal governments and organizations and student organizations to use Bureau of Indian Affairs equipment, land, buildings, and other structures if such use does not interfere with the purpose for which they are administered by the Bureau and when such use benefits Indians or Federal or federally funded programs. The Secretary may charge the user for the cost of the utilities and other expenses incurred for the use. The amounts collected shall be credited to the appropriation or fund from which the expenses are paid and shall be available until the end of the fiscal year following the fiscal year in which collected. The Secretary's decision to not permit a use under this section is final and shall not be subject to judicial review.".

(b) Section 5405 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of

1988 (25 U.S.C. 17) is further amended by adding at the end thereof the following new subsection:

Contracts.

"(c) The payment of any fee, or agreement to pay costs, to the Secretary shall not in any way or to any extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with use under this section.".

SEC. 26. WHITE HOUSE CONFERENCE ON INDIAN EDUCATION.

(a) COMPOSITION.—Section 5503(a)(2) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by inserting "(including members of local school boards of schools funded by the Bureau of Indian Affairs)" after "Indian educational institutions".

(b) ADVISORY COMMITTEE.—Section 5506(d) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "traveltime" and inserting in lieu thereof "travel time".

(c) GIFTS.—Section 5507(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note) is amended by striking out "Force," and inserting in lieu thereof "Force".

SEC. 27. REPEAL OF ANNUAL REPORT ON EDUCATION OF INDIAN CHILDREN.

Section 6210 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2016a) is repealed.

Approved September 9, 1988.

LEGISLATIVE HISTORY—H.R. 5174:

CONGRESSIONAL RECORD, Vol. 134 (1988):
Aug. 9, considered and passed House and Senate.

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PUBLIC LAW 101-301—MAY 24, 1990

MISCELLANEOUS INDIAN LAW AMENDMENTS

Public Law 101-301
101st Congress

An Act

May 24, 1990
[S. 1846]

To make miscellaneous amendments to Indian laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Public Law 100-581 is amended—

(1) by striking out "shall take effect upon enactment of this Act" in section 203 and inserting in lieu thereof "shall take effect upon enactment of this Act if the plan has not taken effect before the enactment of this Act"; 102 Stat. 2939.

(2) by striking out "section 201" in subsections (a) and (c) of section 212 and inserting in lieu thereof "section 206"; 25 USC 450m-1.

(3) by striking out section 213; 25 USC 608.

(4) by striking out "section 3" in section 702(a) and inserting in lieu thereof "section 703"; 102 Stat. 2946.

(5) by striking out "section 602" in the last sentence of paragraph (1) of section 703(b) and inserting in lieu thereof "section 702"; and 102 Stat. 2948.

(6) by striking out "section 602" in section 703(c) and inserting in lieu thereof "section 702".

(b) Subsection (c) of the first section of the Act of July 28, 1955 (69 Stat. 392; 25 U.S.C. 608(c)) is amended to read as follows:

Real property.

"(c) Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) and for the benefit of the Yakima Indian Nation pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) shall be held in trust by the United States for the benefit of the Yakima Indian Nation.".

SEC. 2. (a) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) is amended—

(1) by inserting a comma after "688)" in section 4(e) (25 U.S.C. 450b(e)),

(2) by striking out "the appropriate the Secretary" in section 4(j) and inserting in lieu thereof "the appropriate Secretary",

(3) by striking out "pursuant to this Act" each place it appears in section 4(j) and inserting in lieu thereof "under title I of this Act",

(4) by striking out "the Single Audit Act of 1984 (98 Stat. 2327, 31 U.S.C. 7501 et seq.)," in section 5(a)(2) (25 U.S.C. 450c(a)(2)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(5) by striking out "the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3)" in section 9 (25 U.S.C. 450e-1) and inserting in lieu thereof "chapter 63 of title 31, United States Code",

(6) by striking out "an Indian appointed" in section 104(m) (25 U.S.C. 450i(m)) and inserting in lieu thereof "an Indian (as defined in section 19 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 479)) appointed (except temporary appointments)",

(7) by striking out "sub-contracts in such cases where the tribal contractor has sub-contracted the activity" in section 105(a) (25 U.S.C. 450j(a)) and inserting in lieu thereof "sub-contracts of such a construction contract",

(8) by striking out "the Single Agency Audit Act of 1984 (chapter 75 of title 31, United States Code)" in section 106(f) (25 U.S.C. 450j-1(f)) and inserting in lieu thereof "chapter 75 of title 31, United States Code",

(9) by striking out "agency personnel" in section 106(i) (25 U.S.C. 450j-1(i)) and inserting in lieu thereof "agency personnel (area personnel in the Navajo Area and in the case of Indian tribes not served by an agency)", and

(10) by striking out "providing notice and hearing" in section 109 (25 U.S.C. 450m) and inserting in lieu thereof "providing notice and a hearing".

(b) Subsection (b) of section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1(b)) is amended to read as follows:

"(b) The Secretary shall not revise or amend a self-determination contract with a tribal organization without the tribal organization's consent.".

(c) Subparagraph (C) of section 3371(2) of title 5, United States Code, is amended by striking out "section 4(m)" and inserting in lieu thereof "section 4".

25 USC 478-1.

SEC. 3. (a) Notwithstanding section 18 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 478), sections 2 and 17 of that Act (25 U.S.C. 462 and 477) shall apply to—

(1) all Indian tribes,

Real property.

(2) all lands held in trust by the United States for Indians, and

(3) all lands owned by Indians that are subject to a restriction imposed by the United States on alienation of the rights of the Indians in the lands.

(b) The proviso of section 13 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 473) is amended by striking out "sections 2, 4," and inserting in lieu thereof "sections 4,".

(c) Section 17 of the Act of June 18, 1934 (25 U.S.C. 477), is amended—

(1) by striking out "by at least one-third of the adult Indians," and inserting in lieu thereof "by any tribe,";

(2) by striking out "at a special election by a majority vote of the adult Indians living on the reservation" and inserting in lieu thereof "by the governing body of such tribe";

(3) by striking out "ten years any of the land" and inserting in lieu thereof "twenty-five years any trust or restricted lands".

25 USC 713f note.

SEC. 4. Subsection (c) of section 1 of Public Law 100-425 is amended by striking out "NE¼E½,NW¼" each place it appears and inserting in lieu thereof "NE¼,E½NW¼".

SEC. 5. (a) Paragraph (5) of section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended by striking out "104(a)" and inserting in lieu thereof "103(a)".

(b) Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508) is amended by striking out "105" and inserting in lieu thereof "104".

(c) Subparagraph (C) of section 5314(e)(1) of the Indian Education Act of 1988 (25 U.S.C. 2604(e)(1)(C)) is amended to read as follows:

State and local governments.
Children and youth.

"(C) No local educational agency may be held liable to the United States, or be otherwise penalized, by reason of the findings of any audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.".

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(d)(1) Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is amended—

(A) by striking out "0.133 percent" in paragraph (3)(A) and inserting in lieu thereof "0.2 percent",

(B) by striking out "$4,000" in paragraph (3)(C)(i) and inserting in lieu thereof "$5,000",

(C) by striking out clause (ii) of paragraph (3)(C) and inserting in lieu thereof the following:

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such allotted funds,".

(D) by striking out paragraph (2), and

(E) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 5324(c)(4)(B) of the Indian Education Act of 1988 (25 U.S.C. 2624(c)(4)(B)) is amended by striking out "section 1128(c)(4)(A)(i)" and inserting in lieu thereof "section 1128(c)(3)(A)(i)".

25 USC 2001 note.

(e)(1) Subsection (b) of section 5504 of Public Law 100-297 (25 U.S.C. 2001, note) is amended—

(A) by inserting "the Executive Director of the National Advisory Council on Indian Education and of" after "which shall consist of" in paragraph (1),

(B) by inserting "(but not the Executive Director of the National Advisory Council on Indian Education)" after "Task Force" in paragraph (3), and

(C) by adding at the end thereof the following new paragraph:

"(7) Sums appropriated under the authority of section 5508 shall not be used to pay the salaries of employees of the Department of the Interior or the Department of Education who are assigned as staff to the Task Force; but the salaries of such employees shall be paid out of funds appropriated to the employing Department under the authority of other provisions of law.".

25 USC 2001 note.

(2) Subsection (a) of section 5506 of Public Law 100-297 is amended—

(A) by striking out "and" at the end of paragraph (5),

(B) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(C) by adding at the end thereof the following new paragraph:

"(7) the chairman of the National Advisory Council on Indian Education.".

25 USC 2001 note.

(3) Section 5508 of Public Law 100-297 is amended by striking out "1988, 1989, and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

(f) Subsection (d) of section 1128A of the Education Amendments of 1978 (25 U.S.C. 2008a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.".

(g)(1) Paragraph (2) of subsection 5205(a) of the Tribally controlled Schools Act of 1988 (25 U.S.C. 2504(a)) is amended to read as follows:

"(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act (25 U.S.C. 450j), or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to all those referenced under section 1126(d) of the Education Amendments of 1978, or any other law), and".

(2) Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is amended by adding the following new paragraph:

"(4) Notwithstanding the provision of paragraph 5204(a)(2) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(a)(2)), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under such paragraph (a)(2), the grantee shall maintain a separate account for such funds and shall, at the end of the period designated for the work covered by the funds received, render a separate accounting of the work done and the funds used to the Secretary. Funds received from these accounts may only be used for the purposes for which they were appropriated and for the work encompassed by the application or submission under which they were received. Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of funds: *Provided*, That such period may be extended upon mutual agreement.".

25 USC 2703 note.

SEC. 6. Notwithstanding any other provision of law, the term "class II gaming" includes, for purposes of applying Public Law 100-497 with respect to any Indian tribe located in the State of Wisconsin or the State of Montana, during the 1-year period beginning on the date of enactment of this Act, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated made a request, by no later than November 16, 1988, to the State in which such gaming is operated to negotiate a Tribal-State compact under section 11(d)(3) of Public Law 100-497.

SEC. 7. Section 9 of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Act (25 U.S.C. 1300h-7) is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) Notwithstanding", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary shall accept as voters eligible to vote on any amendments to the constitution of the Keweenaw Bay Indian Community—

"(1) all those persons who were deemed eligible by the Keweenaw Bay Indian Community to vote in the most recent election for the Tribal Council, and

"(2) any other person certified by the Keweenaw Bay Indian Community Tribal Council as—

"(A) a member of the Keweenaw Bay Indian Community, and

"(B) eligible to vote in any election for the Tribal Council.".

SEC. 8. Section 3(l) of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended—

(1) by inserting "(not including laws relating to spousal allowance and maintenance payments)" immediately after "inheritance laws of Minnesota in effect on March 26, 1986", and

(2) by adding at the end of section 7 the following new subsection:

"(e)(1) After publication of the second list under subsection (c), the Secretary may, at any time, add allotments or interests to that second list if the Secretary determines that the additional allotment or interest falls within the provisions of section 5(c) or subsection (a) or (b) of section 4.

Federal Register, publication.

"(2) The Secretary shall publish in the Federal Register notice of any additions made under paragraph (1) to the second list published under subsection (c).

"(3) Any determination made by the Secretary to add an allotment or interest under paragraph (1) to the second list published under subsection (c) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.".

Courts, U.S. Minnesota.

SEC. 9. The Hoopa-Yurok Settlement Act (25 U.S.C. 1300i, et seq.) is amended—

25 USC 1300i-4.

(1) by adding at the end of paragraph (2) of section (5)(a) the following new sentence: "Children under age 10 on the date they applied for the Settlement Roll who have lived all their lives on the Joint Reservation or the Hoopa Valley or Yurok Reservations, and who otherwise meet the requirements of this section except they lack 10 years of Reservation residence, shall be included on the Settlement Roll.",

(2) by adding at the end of subsection (d) of section 5 the following new paragraph:

"(4) For the sole purpose of preparing the Settlement Roll under this section, the Yurok Transition Team and the Hoopa Valley Business Council may review applications, make recommendations which the Secretary shall accept unless conflicting or erroneous, and may appeal the Secretary's decisions concerning the Settlement Roll. Full disclosure of relevant records shall be made to the Team and to the Council notwithstanding any other provision of law.".

Records.

(3) by striking out "counseling," in section (9)(a)(3) and inserting in lieu thereof "counseling and assistance, shall", and

25 USC 1300i-8.

(4) by adding at the end of subsection (a) of section 14 the following new sentence: "The Yurok Transition Team, or any individual thereon, shall not be named as a defendant or otherwise joined in any suit in which a claim is made arising out of this subsection.".

25 USC 1300i-11.

SEC. 10. The Secretary of the Interior is authorized to retain collections from the public in payment for goods and services provided by the Bureau of Indian Affairs. Such collections shall be credited to the appropriation account against which obligations were incurred in providing such goods and services.

25 USC 14b.

SEC. 11. There is authorized to be appropriated to the Secretary of Health and Human Services, Administration for Native Americans, $1,000,000 for the purpose of conducting a feasibility study for the establishment of a National Center for Native American Studies and Policy Development.

Appropriation authorization.

SEC. 12. (a) The following proviso in title I of the Act of June 24, 1967 (81 Stat. 59), under the heading "Office of the Solicitor", is repealed: "*Provided*, That hereafter hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended".

25 USC 372-1.

(b) Hearing officers heretofore appointed to preside over Indian probate proceedings pursuant to the proviso repealed by subsection (a), having met the qualifications required for appointment pursuant to section 3105 of title 5, United States Code, shall be deemed to have been appointed pursuant to that section.

25 USC 372-1 note.

(c) The first sentence of section 1 of the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), is amended by deleting "his decision thereon shall be final and conclusive" and inserting in lieu thereof "his decisions shall be subject to judicial review to the same extent as determinations rendered under section 2 of this Act".

SEC. 13. Notwithstanding the Act of March 7, 1928 (45 Stat. 210-211), and the Act of August 7, 1946 (60 Stat. 895-896), the Secretary of the Interior is authorized to allocate not to exceed $2,000,000 from power revenues available to the San Carlos Irrigation Project to pay for the operation and maintenance charges associated with the delivery of 30,000 acre-feet of water from the Central Arizona Project to the San Carlos Irrigation Project.

Approved May 24, 1990.

LEGISLATIVE HISTORY—S. 1846:

SENATE REPORTS: No. 101-226 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 136 (1990):
    May 2, considered and passed Senate.
    May 10, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):
    May 24, Presidential statement.

code of federal regulations

Education

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PARTS 1 TO 299
Revised as of July 1, 1990

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§ 247.37 Selection criterion: Evaluation.

The Secretary determines the extent to which—

(a) The policies and procedures provided by the applicant for evaluating the proposed project are likely to ensure adequate evaluation including, if appropriate, an evaluation or estimate of the potential for continued significance following completion of the grant period; (4 points) and

(b) The methods of evaluation, to the extent possible, are objective and produce data that are quantifiable. (4 points)

(Authority: 20 U.S.C. 3043, 3045)

§ 247.38 What is the maximum period of an award?

A project of local significance may receive Federal funds for a period that does not exceed two years.

(Authority: 20 U.S.C. 3042(a)(2))

Subpart E—What Conditions Must Be Met by a Recipient?

§ 247.40 What portion of the costs must a recipient contribute?

(a) If selected for funding under the Women's Educational Equity Act Program—Projects of Local Significance, an LEA shall contribute the following share of approved costs:

(1) In the first year of the project, 20 percent.

(2) In the second year of the project, if applicable, 40 percent.

(b) If selected for funding under the Women's Educational Equity Act Program—Projects of Local Significance, an entity other than an LEA shall contribute the following share of approved costs:

(1) In the first year of the project, 10 percent.

(2) In the second year of the project, if applicable, 20 percent.

(Authority: 20 U.S.C. 3042(a)(2)).

PART 250—INDIAN EDUCATION ACT—GENERAL PROVISIONS

Subpart A—General

Sec.
250.1 What programs are governed by these regulations?
250.2 [Reserved]
250.3 What regulations apply to these programs?
250.4 What definitions apply to these programs?
250.5 What provisions of the Indian Self-Determination and Education Assistance Act apply to these programs?

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

250.20 How does an applicant apply under a particular program?

AUTHORITY: 25 U.S.C. 2601-2651, unless otherwise noted.

Subpart A—General

§ 250.1 What programs are governed by these regulations?

The regulations in this part apply to all programs conducted under the Indian Education Act except the Indian Fellowship Program (34 CFR Part 263). Programs governed by these regulations and their applicable program regulations are as follows:

(a) Formula Grants—Local Education Agencies (34 CFR Part 251).

(Authority: 25 U.S.C. 2601-2606)

(b) Indian-Controlled Schools—Enrichment Projects (34 CFR Part 252).

(Authority: 25 U.S.C. 2602(c))

(c) Educational Services for Indian Children (34 CFR Part 253).

(Authority: 25 U.S.C. 2621(a), (c))

(d) Planning, Pilot, and Demonstration Projects for Indian Children (34 CFR Part 254).

(Authority: 25 U.S.C. 2621(a), (b))

(e) Gifted and Talented Program (34 CFR Part 255).

(Authority: 25 U.S.C. 2624(c))

(f) Educational Personnel Development (34 CFR 256).

(Authority: 25 U.S.C. 2621(d), 2622)

(g) Educational Services for Indian Adults (34 CFR Part 257).

(Authority: 25 U.S.C. 2631(b))

(h) Planning, Pilot, and Demonstration Projects for Indian Adults (34 CFR Part 258).

(Authority: 25 U.S.C. 2631(a))

[54 FR 20481, May 11, 1989]

§ 250.2 [Reserved]

§ 250.3 What regulations apply to these programs?

In addition to the regulations contained in this part and the applicable program regulations, the programs under 34 CFR Parts 251 through 258 are subject to the Education Department General Administrative Regulations (EDGAR) in:

(a) 34 CFR Part 74 (Administration of Grants);

(b) 34 CFR Part 75 (Direct Grant Programs), except for § 75.590(c) relating to a grantee's project evaluation;

(c) 34 CFR Part 77 (Definitions);

(d) 34 CFR Part 78 (Education Appeal Board); and

(e) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities), except that Part 79 does not apply to 34 CFR Parts 252, 255, and 256.

(Authority: 25 U.S.C. 2601-2651)

[49 FR 23761, June 7, 1984, as amended at 54 FR 20481, May 11, 1989]

§ 250.4 What definitions apply to these programs?

(a) *Definitions in EDGAR.* Except as otherwise provided, the following terms used in this part and in 34 CFR Parts 251 through 258 are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget period
EDGAR
Elementary school
Facilities
Fiscal year
Grant
Grantee
Grant period
Local government
Minor remodeling
Nonprofit
Private
Project
Project period
Public
Secondary school
Secretary
State
State educational agency (SEA)
Supplies

(b) *Definitions that apply to the programs governed by this part.*

Unless otherwise provided, the following definitions apply to this part and to 34 CFR Parts 251 through 258:

Adult means any individual who is sixteen years old or older, or who is beyond the age of compulsory school attendance under State Law.

Adult education means instruction or services below college level for adults who are not enrolled in a secondary school and who do not have—

(1) The basic skills to enable them to function effectively in society; or

(2) A certificate of graduation from a school providing secondary education, and who have not achieved an equivalent level of education.

Ancillary educational personnel

(1) This term means guidance counselors, librarians, and others who assist in meeting the educational needs of Indian students.

(2) The term does not include persons in positions not directly involved in the educational process, such as clerks or cafeteria personnel.

Bureau school means an elementary or secondary day or boarding school operated by the Bureau of Indian Affairs (BIA) of the Department of the Interior.

Bureau-funded school means a Bureau school or an elementary or secondary school that receives Pub. L. 93-638 (Indian Self-Determination and Education Assistance Act) contract funds or assistance under the Tribally Controlled Schools Act of 1988 from the Bureau of Indian Affairs.

Child means an individual within the age limits for which the applicable State provides a free public education.

Demonstration project means a project that affords opportunities to examine in practice, and to assess the qualities of, an educational method, approach, or technique for the purpose of adaptation of that method, approach, or technique by other institutions with similar needs.

Equipment means:

(1) Machinery, utilities, and built-in apparatus;

(2) Any enclosure or structure necessary to house the items listed in paragraph (1) of this definition; and

(3) Any other item necessary for the functioning of a facility for the provisions of educational services, including items such as:

(i) Instructional apparatus and necessary furniture;

(ii) Printed, published, and audiovisual instructional materials; and

(iii) Books, periodicals, documents, and related materials.

Free public education except as defined in 34 CFR 251.32, means education that is:

(1) Provided at public expense, under public supervision and direction, without tuition charge; and

(2) Provided as elementary or secondary school education in the applicable State.

Full-time student means an individual pursuing studies that constitute a full-time workload in accordance with an institution's established policy.

Gifted and talented students means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to develop such capabilities fully.

Handicapped person means an individual requiring special education and related services because he or she:

(1) Is mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health-impaired; or

(2) Has a specific learning disability.

Indian—except as noted in § 250.5(b)—means an individual who is:

(1) A member (as defined by an Indian tribe, band, or other organized group) of such Indian tribe, band, or other organized group of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside;

(2) A descendant, in the first or second degree, of an individual described in paragraph (1) of this definition;

(3) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(4) An eskimo or Aleut or other Alaska Native.

Indian institution means a preschool, elementary, secondary, or postsecondary school that:

(1) Is established for the education of Indians;

(2) Is controlled by a governing board, the majority of which is Indian; and

(3) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation.

Indian organization means an organization that:

(1) Is legally established:

(i) By tribal or inter-tribal charter or in accordance with State or tribal law; and

(ii) With appropriate constitution, by-laws, or articles of incorporation;

(2) Has as its primary purpose the promotion of the educational, economic, or social self-sufficiency of Indians;

(3) Is controlled by a governing board, the majority of which is Indian;

(4) If located on an Indian reservation, operates with the sanction or by charter of the governing body of that reservation;

(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education; and

(6) Is not an agency of State or local government.

Indian tribe means any federally or State-recognized Indian tribe, band, nation, rancheria, pueblo, Alaska Native village, or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), that exercises the power of self-government.

Institution of higher education means, in any State, an educational institution that:

(1) Admits as a regular student only an individual having a high school graduation certificate or the recognized equivalent of a high school graduation certificate;

(2) Is legally authorized within that State to provide a program of education beyond high school;

(3) Provides:

(i) An educational program for which it awards a bachelor's degree;

(ii) An educational program of not less than two years that is acceptable for full credit toward a bachelor's degree; or

(iii) A two-year program in engineering, mathematics, or the physical or biological sciences that is designed to prepare a student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields that require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) Is a public or other nonprofit institution; and

(5)(i)(A) Is accredited by a nationally recognized accrediting agency or association listed by the Secretary; or

(B) If not accredited, is an institution whose credits are accepted, on transfer, by not fewer than three institutions that are accredited, on the same basis as if transferred from an institution that is accredited.

(ii) However, in the case of an institution described in paragraph (3)(iii) of this definition, if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit that type of institution:

(A) The Secretary appoints an advisory committee composed of persons specially qualified to evaluate training provided by that type of institution; and

(B) The advisory committee prescribes the standards of content, scope, and quality that must be met in order to qualify that type of institution to participate under the appropriate program and determines whether particular institutions meet those standards.

(iii) For the purpose of paragraph (5) of this definition, the Secretary publishes a list of nationally recognized accrediting agencies or associations that the Secretary determines to be reliable authority as to the quality of education or training offered.

Local educational agency (LEA) means—

(1) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary of secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. The term includes includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(2) As used in 34 CFR Part 251 the term also includes tribal schools and Bureau schools.

Parent

(1) Includes a legal guardian or other individual standing *in loco parentis* (in the place of the parent) other than by virtue of being a school administrator or official. Examples of individuals who may stand *in loco parentis* with respect to a child are—

(i) A foster parent of the child; and

(ii) A grandparent with whom the child resides.

(2) In determining whether an individual stands *in loco parentis* with respect to a child, an LEA may consider such factors as:

(i) The current relationship of the child and the natural parent(s);

(ii) The length and stability of the relationship between the individual and the child;

(iii) Tribal custom and tribal law;

(iv) Applicable State law, whether legislative or judicial; and

(v) Dependency for purposes of State of Federal income taxes.

Pilot project means a project that tests an educational method, approach, or technique in a limited and controlled setting to determine:

(1) Whether the educational method, approach, or technique meets an established need; and

(2) Whether the educational objectives of the educational method, approach, or technique are appropriate for Indian children or adults.

Planning project means a project that:

(1) Establishes educational objectives; and

(2) Proposes activities and resources that would be needed to meet these objectives for the education of Indian children or adults.

Secondary school, as used in 34 CFR Parts 254, 255, and 256, means a day or residential school that provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

State, as used in 34 CFR Parts 251, 252, and 253, means any of the 50 States, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands.

Stipend means an allowance for personal living expenses paid to a participant in a personnel development project.

Teacher aide

(1) This term means a person who assists a teacher in the performance of the teacher's teaching or administrative duties.

(2) The term does not include persons in positions not directly involved in the educational process, such as clerks or cafeteria personnel.

Tribal school means any school operated by an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government for the children of that tribe if the school either—

(1) Provides its students an educational program that meets the standards established by the Secretary of the Interior in accordance with the Indian Self-Determination and Education Assistance Act; or

(2) Is operated by that tribe or organization under a contract with the Department of the Interior in accordance with the Indian Self-Determination and Education Assistance Act.

(Authority: 25 U.S.C. 2601-2651)

(Authority: 20 U.S.C. 241aa-241ff, 244, 881, 1202, 1211a, 1221h(a), 3381, 3385, 3385a)

[49 FR 23761, June 7, 1984, as amended at 52 FR 28232, July 28, 1987; 54 FR 20481, May 11, 1989]

§ 250.5 What provisions of the Indian Self-Determination and Education Assistance Act apply to these programs?

(a) Awards under programs covered by this part that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638). That section requires that, to the greatest extent feasible, a grantee:

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises—as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e))—preference in the award of contracts in connection with the administration of the grant.

(Authority: Pub. L. 93-638, Section 7(b); 25 U.S.C. 450e(b))

(b) For purposes of this section, an "Indian" is a member of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(Authority: 25 U.S.C. 450 (b), (d), (e))

[49 FR 23761, June 7, 1984, as amended at 54 FR 20481, May 11, 1989]

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

§ 250.20 How does an applicant apply under a particular program?

(a) An applicant shall specify in its application the particular program under 34 CFR Parts 251 through 258 under which it is applying.

(b) If the applicant submits an application under a program covered by this part and the project proposed by the applicant is not authorized under that program, the Secretary may, with the consent of the applicant, review and consider the application under an appropriate program, if any, covered by this part.

(Authority: 25 U.S.C. 2601-2651)

[49 FR 23761, June 7, 1984, as amended at 54 FR 20481, May 11, 1989]

PART 251—INDIAN EDUCATION—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

Subpart A—General

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Subpart F—What Are the Administrative Responsibilities of a Grantee?

251.50 What are the responsibilities of a grantee regarding student certification?
251.51 How does the Secretary determine a grantee's compliance with the student certification requirements?
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AUTHORITY: 25 U.S.C. 2601-2606, unless otherwise noted.

Subpart A—General

§ 251.1 Formula Grants—Local Educational Agencies.

This program, Formula Grants—Local Educational Agencies (LEAs), provides financial assistance to develop and carry out elementary and secondary school projects that meet the special educational and culturally related academic needs of Indian children.

(Authority: 25 U.S.C. 2601)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.2 Who is eligible for assistance under this program?

(a) An LEA is eligible for assistance under this program.

(b)(1) An LEA other than a tribal school or a Bureau school is entitled to receive a grant only if the number of Indian children enrolled in the LEA's schools is either—

(i) At least 10; or

(ii) At least one-half of the total enrollment for that agency.

(2) However, an LEA may apply without regard to the enrollment requirements of paragraph (b)(1) of this section if it is located—

(i) In Alaska, California, or Oklahoma; or

(ii) On, or in proximity to, an Indian reservation.

(c) An LEA that is a Bureau school is eligible only if funds are available in accordance with section 5312(b)(3) of the Act.

(Authority: 25 U.S.C. 2602 (a), (b))

[54 FR 19335, May 4, 1989]

§ 251.3 What regulations apply to this program?

The following regulations apply to this program:

(a)(1) The regulations in 34 CFR Part 250.

(2) However, 34 CFR 75.111 (d) and (e) of the Education Department General Administrative Regulations, relating to the contents of an application, do not apply to this program.

(b)(1) The regulations in this Part 251.

(2) However, the following provisions of this part do not apply to tribal schools or Bureau schools:

(i) Section 251.20, relating to the selection of the parent committee.

(ii) Any other provisions of this part relating to the parent committee.

(iii) Sections 251.31 and 251.32 relating to free public education.

(iv) Sections 251.40–251.42 relating to the maintenance of effort required for LEAs.

(Authority: 25 U.S.C. 2601-2606, 2651)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.4 What defilitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2601-2606)

Subpart B—What Kind of Activities Does the Secretary Assist Under This Program?

§ 251.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing the—

(1) Establishment, maintenance, or operation of projects specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children; or

(2) Training of counselors at the applicant's school in counseling techniques relevant to the treatment of alchol and substance abuse.

(b) An applicant may also apply for assistance to:

(1) Plan for and take other steps leading to the development of projects; and

(2) Carry out pilot projects designed to test the effectiveness of those plans.

(Authority: 25 U.S.C. 2603)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

Subpart C—How Does One Apply for a Grant?

§ 251.20 How is a parent committee selected?

(a) Before developing an application, an LEA—other than a tribal school or a Bureau School—shall establish and publicize procedures for the selection of a parent committee.

(b) The following are eligible to select and serve on a parent committee:

(1) Parents of Indian children who will participate in the proposed project.

(2) Teachers, including guidance counselors, except members of the project staff.

(3) Indian secondary school students, if any, enrolled in the LEA's schools.

(c)(1) At least half the members of the committee must be parents of the Indian children to be served by the proposed project.

(2) The committee must include at least one teacher and, where applicable, at least one secondary student to be served by the program for which assistance is sought.

(d) The persons listed in paragraph (b) of this section shall select the members of the committee.

(e) An individual may continue to be a member of the committee only so long as he or she is eligible under paragraph (b) of this section.

(Authority: 25 U.S.C. 2604(b)(2)(B), 2651)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.21 Must an applicant hold a public hearing?

(a) Before preparing an application for a new or continuation award, an applicant shall hold one or more hearings open to the general public.

(b) At the public hearing or hearings, the applicant shall provide to the parents of Indian children—including persons acting *in loco parentis* — teachers, and, where applicable, secondary school students, a full opportunity to understand the project for which the applicant is seeking assistance and to offer recommendations on the project.

(c) In the case of an application for a continuation award, the grantee shall provide at the public hearing or hearings an opportunity for full public discussion of all aspects of the project to date and for the remainder of the project period.

(Authority: 25 U.S.C. 2604(b)(2)(B)(i), 2651)

[49 FR 23764, June 7, 1984, as amended at 54 FR 19335, May 4, 1989]

§ 251.22 How does the LEA determine the student count?

(a) Before including a student in the count of Indian children to generate funds under this part, an LEA shall—

(1) Establish a date or a period, not exceeding 30 days, during which the LEA conducts the count;

(2) Determine that the child was enrolled in the LEA's elementary or secondary schools on the count date or during the count period;

(3) Determine that the child received a free public education in the LEA's schools on the count date or during the count period; and

(4) Obtain for each child included in the count the student certification form prescribed by the Secretary.

(b) Before including a student in the count of Indian children to generate funds under this part, the LEA shall determine that the student certification form referred to in paragraph (a)(4) of this section includes, at a minimum:

(1) The student's name;

(2) The name of the eligible Indian tribe, band, or group of which the student, the parent, or the grandparent is a member, as defined by the tribe, band, or group; and

(3) The parent's signature and date.

(c) The LEA may include in the count a student whose student certification form does not have the parent's signature and date, provided that the parent's signature and date are obtained within 90 days of the start of the grant period for which the student is counted to generate funds under this part.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2602(b), 2604(d), 2651)

[54 FR 19335, May 4, 1989]

Subpart D—How Does the Secretary Make a Grant?

§ 251.30 How does the Secretary determine the amount of a grant?

(a) The Secretary determines the amount an applicant receives any fiscal year on the basis of the formula in section 5312(b), of the Indian Education Act.

(b) Under the statutory formula, the Secretary computes the amount of the grant to which an applicant is entitled by multiplying:

(1) The number of Indian children enrolled in the schools of the applicant and to whom the applicant provides free public education; by

(2) The average per pupil expenditure for the LEA as determined under section 5312(b)(2)(C), of the Indian Education Act.

(c) In setting the amount of a grant, the Secretary allocates to each approved applicant an amount that bears the same ratio to the total amount appropriated as the product of paragraphs (b) (1) and (2) of this section for that applicant bears to the sum of these products for all approved applicants.

(Authority: 25 U.S.C. 2602(b), 2606)

[49 FR 23764, June 7, 1984, as amended at 50 FR 10924, Mar. 18, 1985; 54 FR 19336, May 4, 1989]

§ 251.31 Payments to local educational agencies.

The Secretary makes payments to an applicant local educational agency (LEA) for children claimed under section 5312(b), of the Indian Education Act, only if:

(a) The LEA is responsible under applicable State or Federal law for providing a free public education (as provided in § 251.32) to those children;

(b) The LEA is providing a free public education to those children; and

(c) The State provides funds for the education of those children on the same basis as all other public school children in the State.

(Authority: 25 U.S.C. 2602(b), 2651)

[52 FR 28232, July 28, 1987, as amended at 54 FR 19336, May 4, 1989]

§ 251.32 Free public education.

(a) As used in § 251.31, a free public education means education that is provided:

(1) At public expense;

(2) As the complete elementary and secondary educational program;

(3) In a school of the LEA or under a tuition arrangement with another LEA or other educational entity; and

(4) Under public supervision and direction.

(b) For the purpose of paragraph (a)(1) of this section, education is provided at public expense if:

(1) There is no tuition charge to the child or the child's parents; and

(2) Federal funds, other than Pub. L. 81-874 funds (Impact Aid) and Pub. L. 93-638 contract funds (Indian Self-Determination and Education Assistance Act), do not provide a substantial portion of the basic educational program.

(c) For the purpose of paragraph (a)(2) of this section, the complete elementary or secondary educational program is the program recognized by the State as meeting all requirements for elementary or secondary education for the children claimed. It is not a program that provides only:

(1) Supplementary services or instruction; or

(2) A portion of the required educational program.

(d) For the purpose of paragraph (a)(3) of this section, a tuition arrangement must:

(1) Satisfy all applicable legal requirements in the State; and

(2) Genuinely reflect the applicant LEA's responsibility to provide a free public education to the children claimed under section 5312(b), of the Indian Education Act.

(e) For the purpose of paragraph (a)(4) of this section, education provided under public supervision and direction means education that is provided:

(1) In a school of the applicant LEA or another LEA; or

(2) By another educational entity, over which the applicant LEA, or other public agency, exercises authority with respect to the significant aspects of the educational program for the children claimed. The Secretary considers significant aspects of the educational program to include administrative decisions relating to teachers, instruction, and curriculum.

(Authority: 25 U.S.C. 2602(b), 2651)

[52 FR 28233, July 28, 1987, as amended at 54 FR 19336, May 4, 1989]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 251.40 What is the maintenance of effort requirement?

(a) Subject to the granting of a waiver under § 251.41, the Secretary makes full payments to an LEA for any fiscal year if the appropriate SEA finds that the combined fiscal effort of that LEA and the State with respect to the provision of free public education by that LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort for that purpose for the second preceding fiscal year.

(b) The requirement of paragraph (a) of this section does not apply to an LEA that is a tribal school or a Bureau school.

(c) Subject to the granting of a waiver under § 251.41, if the Secretary determines that the LEA has failed to maintain the combined fiscal effort as required under paragraph (a) the Secretary reduces the LEA's award in the exact proportion by which the LEA failed to meet the combined fiscal effort requirement.

(d) For purposes of determining maintenance of effort, the "preceding fiscal year" means the Federal fiscal year or the 12-month fiscal period most commonly used in a State for official reporting purposes prior to the beginning of the Federal fiscal year in which funds are awarded.

Example: For funds awarded in fiscal year 1985 for expenditure by LEAs during the 1985–86 school year, if a State is using the Federal fiscal year, the "preceding fiscal year" is fiscal year 1984 (which began on October 1, 1983). The "second preceding fiscal year" is fiscal year 1983 (which began on October 1, 1982). If a State is using a fiscal year that begins on July 1, 1984, the "preceding fiscal year" is the 12-month fiscal period ending on June 30, 1984. The "second preceding fiscal year" is the 12-month fiscal period ending on June 30, 1983.

(e)(1) For the purpose of making the finding described in paragraph (a) of this section, an SEA may compute combined fiscal effort on the basis of either aggregate expenditures or per pupil expenditure.

(2)(i) As used in this section, "aggregate expenditures" means expenditures by the LEA and the State for free public education provided by that LEA.

(ii) The term includes expenditures for administration, instruction, attendance, health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student activities.

(iii) The term does not include expenditures for community services, capital outlay and debt service, or any expenditures from funds granted under Federal programs of assistance.

(3) As used in this section, "per pupil expenditures" means aggregate expenditures divided by the number of pupils in average daily attendance at the LEA's schools—as determined in accordance with State law—during the fiscal year for which the computation is made.

(Authority: 25 U.S.C. 2605(c), 2651)

[51 FR 4734, Feb. 7, 1986, as amended at 54 FR 19336, May 4, 1989]

§ 251.41 When may the Secretary grant a waiver of the maintenance of effort requirement?

(a) The Secretary may grant a waiver, for one year only, of the maintenance of effort requirement in § 251.40, if the Secretary determines that the LEA's failure to meet that requirement is due exceptional circumstances.

(b) An LEA may ask the Secretary to grant a waiver of the maintenance of effort requirement by submitting a request for a waiver that includes a description of the circumstances that the LEA considers to be exceptional.

(c)(1) Exceptional circumstances include but are not limited to:

(i) A natural disaster; or

(ii) A precipitious and unforeseen decline in the financial resources of the LEA.

(2) The Secretary does not consider tax initiatives or referenda to be exceptional circumstances.

(d) If the Secretary grants a waiver under paragraph (a) of this section, the affected LEA may receive its full allocation of formula grant funds.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2605(c))

[51 FR 4734, Feb. 7, 1986, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 19336, May 4, 1989]

§ 251.42 What is the effect of a waiver on determination of an LEA's maintenance of effort in the following year?

No level of expenditures permitted under a waiver may be used as a basis for computing the fiscal effort required under § 251.40 for subsequent years. Instead, for subsequent years, fiscal effort must be computed on the basis of the level of expenditures that would have been required had a waiver not been granted.

Example: An LEA was granted a waiver in fiscal year 1985 because its fiscal effort in the preceding fiscal year (1984) was less than 90 percent of its fiscal effort in the second preceding fiscal year (1983) due to exceptional circumstances. In determining maintenance of effort for the purpose of funding in fiscal year 1986, the LEA's combined fiscal effort for the preceding fiscal year (1985) must be at least 81 percent (90 percent of 90 percent) of its fiscal effort in the third preceding fiscal year (1983).

(Authority: 25 U.S.C. 2605(c))

[51 FR 4734, Feb. 7, 1986, as amended at 54 FR 19336, May 4, 1989]

§ 251.43 How must a grantee use the results of its evaluations?

(a) If an evaluation under section 5314(a)(4) of the Act shows that a project is not making substantial progress toward meeting the objectives of the project and this part, the grantee shall amend its application in accordance with section 5314(c) of the Act.

(b) The amendments to the application must include changes that will enable the grantee to meet those objectives.

(Authority: 25 U.S.C. 2604 (a)(4), (c))

[54 FR 19336, May 4, 1989]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 251.50 What are the responsibilities of a grantee regarding student certification?

For each student included in the count of Indian students in accordance with § 251.22 and on which the amount of a grant is based, a grantee shall keep on file the student certification form prescribed by the Secretary.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2604(d))

[49 FR 23764, June 7, 1984, as amended at 54 FR 19336, May 4, 1989]

§ 251.51 How does the Secretary determine a grantee's compliance with the student certification requirements?

Periodically, the Secretary reviews a grantee's records to determine, for the current fiscal year and for prior fiscal years for which the grantee is required to maintain records, if—

(a) The requirements in § 251.22 were met;

(b) A certification form that meets the requirements of § 251.22 is on file for each child included by the grantee in the count of children to generate funds under this part; and

(c) Each child counted by the grantee is otherwise eligible to be counted under this part.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2601-2606)

[54 FR 19336, May 4, 1989]

§ 251.52 What action does the Secretary take if a grantee fails to meet the student certification requirements?

(a) If the Secretary determines under § 251.51 that a grantee is not in compliance with the student certification requirements, the grantee shall repay to the Department the amount of funds improperly generated. The Secretary may—

(1) Collect the funds awarded for each child inappropriately counted in the fiscal year or years at issue by—

(i) Demanding direct repayment from the grantee;

(ii) Reducing the grantee's current grant award where the Secretary's determination under paragraph (a) of the section concerns the current fiscal year; or

(iii) Offsetting the equivalent amount from the grantee's award for a fiscal year following the determination; and

(2) For one to three years following that determination, require the grantee to submit with its application for funds under this part a verification by an independent auditor that student certification forms have been completed and maintained by the grantee for each child included in the count in the application.

(b) In applying an administrative offset under § 251.52(a)(1)(iii), the Secretary uses the procedures contained in 34 CFR Part 30.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2601-2606)

[54 FR 19336, May 4, 1989]

PART 252—INDIAN CONTROLLED SCHOOLS—ENRICHMENT PROJECTS

Subpart A—General

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252.1 Indian-Controlled Schools—Enrichment Projects.

Sec.
252.2 Who is eligible for assistance under this program?
252.3 What regulations apply to this program?
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Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

252.10 What types of projects may be funded?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

252.30 How does the Secretary evaluate an application?
252.31 What selection criteria does the Secretary use?

AUTHORITY: 25 U.S.C. 2602(c), unless otherwise noted.

Subpart A—General

§ 252.1 Indian-Controlled Schools—Enrichment Projects.

This program, Indian Controlled Schools—Enrichment Projects, provides financial assistance for educational enrichment projects designed to meet the special educational and culturally related academic needs of Indian children in Indian-controlled elementary and secondary schools or LEAs.

(Authority: 25 U.S.C. 2602(c))

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

§ 252.2 Who is eligible for assistance under this program?

(a) Under this program any applicant among the following is eligible for assistance if it operates or plans to establish and operate a school for Indian children—or, if eligible, an LEA—that is located on or geographically near one or more reservations:

(1) Indian tribes;

(2) Indian organizations;

(3) Local educational agencies (LEAs) that have been in existence not more than three years.

(b) The requirement that a school to be assisted under this part be located on or near a reservation does not apply to any school serving Indian children in Alaska, California, or Oklahoma.

(Authority: 25 U.S.C. 2602(c))

[50 FR 10925, Mar. 18, 1985. Redesignated at 54 FR 20481, and amended at 54 FR 20482]

§ 252.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The following provisions in 34 CFR Part 251:

(1)(i) Section 251.20, relating to the selection of the parent committee.

(ii) However, this requirement does not apply to an Indian tribe or Indian organization.

(iii) If an applicant LEA has formed or is forming a parent committee under 34 CFR 251.20 for the purpose of applying for a grant under 34 CFR Part 251 (Formula Grants—Local Educational Agencies) the LEA may have that committee serve as the parent committee for the purposes of this program.

(2) Section 251.21, relating to the holding of one or more public hearings.

(3)(i) Section 251.40, relating to the maintenance of effort required for LEAs.

(ii) However, this requirement does not apply to an Indian tribe or Indian organization.

(c)(1) The regulations in this Part 252.

(2) However, an Indian tribe or Indian organization is not subject to any provisions of this part relating to the parent committee.

(Authority: 25 U.S.C. 2602(c))

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

§ 252.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2601-2606, 2651)

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 252.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing projects that include, but are not limited to, those designed to:

(1) Improve acquisition of basic academic skills;

(2) Stimulate interest in careers;

(3) Stimulate interest in tribal culture and organization;

(4) Prevent school dropouts and reduce absenteeism;

(5) Establish or improve preschool education programs, including kindergarten; or

(6) Develop or improve instructional materials.

(b) The activities listed in paragraph (a) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purpose of this program.

(Authority: 25 U.S.C. 2602(c))

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 252.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 252.31.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2602(c), 2601)

[49 FR 23767, June 7, 1984. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

§ 252.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the proposed project.

(2) In making this determination, the Secretary considers:

(i) The educational needs to be addressed by the project, including the extent and severity of these needs as indicated by the number and percentage of Indian children with the needs in the area to be served by the project and by such factors as dropout rates, academic achievement levels, standardized test scores, or other appropriate measures.

(ii) A description of the efforts being made to meet these needs and an explanation of why these efforts are insufficient;

(iii) A clear description of the educational approach to be used and why the applicant has chosen this approach;

(iv) Evidence that the approach is likely to be successful with the children who will participate in the project; and

(v) An explanation of why the applicant lacks the financial resources to conduct the project.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) In making this determination, the Secretary looks for:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period;

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which parents of the children to be served and other members of the Indian community are involved in the project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the resources to be devoted to the project are adequate.

(2) In making this determination, the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2602(c), 2604)

[49 FR 23767, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20481, May 11, 1989, and amended at 54 FR 20482, May 11, 1989]

PART 253—EDUCATIONAL SERVICES FOR INDIAN CHILDREN

Subpart A—General

Sec.

253.1 Educational Services for Indian Children.
253.2 Who is eligible for assistance under this program?
253.3 What regulations apply to this program?

Sec.
253.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

253.10 What types of projects may be funded?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

253.30 How does the Secretary evaluate an application?
253.31 To what applicants does the Secretary give priority?
253.32 What selection criteria does the Secretary use?

AUTHORITY: 25 U.S.C. 2621(a), (c), unless otherwise noted.

Subpart A—General

§ 253.1 Educational Services for Indian Children.

This program, Educational Services for Indian Children, provides financial assistance for:

(a) Projects designed to improve educational opportunities for Indian children by providing educational services that are not available in sufficient quantity or quality to those children; and

(b) Enrichment projects that introduce innovative and exemplary approaches, methods, and techniques into the education of Indian children in elementary and secondary schools.

(Authority: 25 U.S.C. 2621(a), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Indian tribes.

(d) Indian organizations.

(e) Indian institutions.

(f) Consortia of Indian tribes or Indian organizations, local educational agencies, and institutions of higher education for projects described in § 253.10(c)

(Authority: 25 U.S.C. 2621(c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 253.

(Authority: 25 U.S.C. 2621(a), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2621(a), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 253.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing projects that include, but are not limited to, those designed to:

(1) Improve acquisition of basic academic skills;

(2) Provide special educational services for handicapped and for gifted and talented Indian children;

(3) Stimulate interest in careers;

(4) Establish after-school educational centers;

(5) Stimulate interest in tribal culture and organization;

(6) Prevent school dropouts and reduce absenteeism;

(7) Establish or improve preschool education, including kindergarten;

(8) Provide guidance, counseling, and testing services; or

(9) Develop or improve instructional materials.

(b) The types of projects listed in paragraph (a) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purposes of this program.

(c) Consortia of eligible applicants described in § 253.2(*f*) may receive grants to develop, improve, and implement programs to—

(1) Encourage Indian students to acquire a higher education; and

(2) Reduce the incidence of dropouts among Indian elementary and secondary school students.

(Authority: 25 U.S.C. 2621(a)(2), (c))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 253.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 253.32.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2621 (a), (c), (f)(1), (2))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 253.32, the Secretary awards 25 points to each application from an Indian tribe, Indian organization, or Indian institution, or from a consortium that includes an Indian tribe, Indian organization, or Indian institution of higher education.

(Authority: 25 U.S.C. 2621(*f*)(2)(B))

[49 FR 23769, June 7, 1984. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 253.32 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the proposed services.

(2) In making this determination, the Secretary considers:

(i) The needs to be addressed by the project, including the extent and severity of these needs as indicated by the number and percentage of Indian children in the area to be served by the project who require the proposed services and by such factors as dropout rates, academic achievement levels, standardized test scores, or other appropriate measures;

(ii) A description of other services in the area—including those offered by the applicant—that are designed to meet the same needs as those to be addressed by the project and the number of Indian children who receive these other services;

(iii) Evidence that these other services are insufficient in either quantity or quality or both, or an explanation of why they are not used by children who require the proposed services; and

(iv) An explanation of why the applicant lacks the financial resources to conduct the project.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) In making this determination, the Secretary looks for—

(i) A clear statement of the purpose of the project;

(ii) Objectives that are—

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period;

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which parents and other members of

the Indian community are involved in the project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of the staff that the applicant plans to use for the project.

(2) In making this determination, the Secretary considers—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the resources to be devoted to the project are adequate.

(2) In making this determination the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621 (c), (f)(1), (2))

[49 FR 23769, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated and amended at 54 FR 20482, May 11, 1989]

PART 254—PLANNING, PILOT, AND DEMONSTRATION PROJECTS FOR INDIAN CHILDREN

Subpart A—General

Sec.

254.1 Planning, Pilot, and Demonstration Projects for Indian Children.
254.2 Who is eligible for assistance under this program?
254.3 What regulations apply to this program?
254.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

254.10 What types of projects may be funded?

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Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

254.30 How does the Secretary evaluate an application?
254.31 To what applicants does the Secretary give priority?
254.32 What selection criteria does the Secretary use for a planning grant?
254.33 What selection criteria does the Secretary use for a pilot grant?
254.34 What selection criteria does the Secretary use for a demonstration grant?

AUTHORITY: 25 U.S.C. 2621(a)(1), (b), unless otherwise noted.

Subpart A—General

§ 254.1 Planning, Pilot, and Demonstration Projects for Indian Children.

This program, Planning, Pilot, and Demonstration Projects for Indian Children, provides financial assistance for planning, pilot, and demonstration projects designed to create, test, and demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

(Authority: 25 U.S.C. 2621(a)(1), (b))

[49 FR 23770, June 7, 1884. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Indian tribes.

(d) Indian organizations.

(e) Indian institutions.

(f) Federally supported elementary and secondary schools for Indian children.

(Authority: 25 U.S.C. 2621(b))

[49 FR 23770, June 7, 1884. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 254.

(Authority: 25 U.S.C. 2621(a), (b))

[49 FR 23770, June 7, 1884. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2621(a), (b))

[49 FR 23770, June 7, 1884. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 254.10 What types of projects may be funded?

(a)(1) The Secretary may fund applications proposing projects designed to plan, test, or demonstrate the effectiveness of programs for improving educational opportunities for Indian children.

(2) An applicant may apply separately for one or more planning grant, pilot grant, or demonstration grant.

(3) An applicant may not apply for more than one type of grant for each proposed project.

(b) Proposed planning, pilot, or demonstration projects may include, but are not limited to:

(1) Activities designed to develop, test, replicate, or adapt:

(i) Curricular materials to improve the academic achievement of Indian children;

(ii) Successful educational practices to improve the academic achievement of Indian children;

(iii) Programs related to the educational needs of educationally deprived Indian children; or

(iv) Techniques to lower the school dropout rate or reduce absenteeism among Indian children;

(2) Development, testing and validation, or demonstration of materials appropriate for measuring the academic achievement of Indian children; or

(3) Coordination of the operation of other federally assisted programs that may be used to assist in meeting the educational needs of Indian children.

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(c) The types of projects listed in paragraph (b) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purposes of this program.

(d) *Priorities.* (1) Each year the Secretary may select for priority for planning, pilot, or demonstration grants one or more of the types of projects listed in paragraph (b) of this section.

(2) The Secretary publishes the selected priorities, if any, in a notice in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2621(a)(1), (b))

[49 FR 23770, June 7, 1884. Redesignated and amended at 54 FR 20482, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 254.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the applicable criteria in § 254.32, § 254.33, or § 254.34, depending on the type of grant for which the applicant has applied.

(b) The Secretary awards up to 100 possible total points for the criteria established for each type of grant.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2621(b))

[49 FR 23770, June 7, 1884. Redesignated and amended at 54 FR 20482, May 11, 1989]

§ 254.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 254.32, § 254.33, or § 254.34, the Secretary:

(a) Awards 25 points to each application from an Indian tribe, Indian organization, or Indian institution; and

(b)(1) May award up to 10 points to an application for the extent to which the applicant addresses the priorities, if any, selected by the Secretary under § 254.10(d); or

(2) May give absolute preference to each application that addresses these priorities.

(Authority: 25 U.S.C. 2621(f)(2)(B))

[49 FR 23770, June 7, 1884. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

§ 254.32 What selection criteria does the Secretary use for a planning grant?

The Secretary uses the following selection criteria in evaluating each application for a planning grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the planning project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian children;

(ii) A clear statement of the educational approach to be developed;

(iii) A description of the literature review, site visits, or other appropriate activity that shows that the applicant has made a serious attempt to learn from other projects that address similar needs or have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the planning project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which parents of the children to be served and other members of the Indian community are involved in the planning project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the planning project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the planning project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the planning project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure the project's effectiveness in meeting each objective;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness for the method of analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the planning project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621(b), (f)(1), (2))

[49 FR 23770, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

§ 254.33 What selection criteria does the Secretary use for a pilot grant?

The Secretary uses the following selection criteria in evaluating each application for a pilot grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the pilot project;

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian children;

(ii) A clear statement of the educational approach to be tested in the project;

(iii) Evidence that:

(A) The plan on which the pilot project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or that have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the pilot project.

(2) The Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the parents of the children to be served and other members of the Indian community are involved in the pilot project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the pilot project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff for implementing the project.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the pilot project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the pilot project.

(2) In making this determination the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the pilot project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621(b), (f)(1), (2))

[49 FR 23770, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

§ 254.34 What selection criteria does the Secretary use for a demonstration grant?

The Secretary uses the following selection criteria in evaluating each application for a demonstration grant:

(a) *Need.* (15 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the demonstration project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of sufficient magnitude among Indian children;

(ii) A clear statement of the educational approach to be demonstrated and evidence that the project is likely to serve as a model for communities with similar educational needs; and

(iii) Evidence that:

(A) The plan and pilot project on which the demonstration project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or have tried similar approaches.

(b) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the demonstration project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period;

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Parental and community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the parents of the Indian children to be served and other members of the Indian community are involved in the demonstration project.

(2) The Secretary looks for information that shows that parents and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel to be used in the demonstration project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the development of the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff, if necessary, for implementing the project.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the demonstration project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the demonstration project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the children involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Dissemination.* (15 points)

(1) The Secretary reviews each application for evidence that the applicant has an effective and efficient plan for disseminating information about the demonstration project, including the results of the project and any specialized materials developed by the project.

(2) In making this determination, the Secretary looks for:

(i) Information that shows high quality in the design of the dissemination plan and procedures for evaluating the effectivenes of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting interested schools in adapting or adopting and successfully implementing the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(h) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the demonstration project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2621(b), (f)(1), (2))

[49 FR 23770, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988. Redesignated at 54 FR 20482, May 11, 1989, and amended at 54 FR 20483, May 11, 1989]

PART 255—GIFTED AND TALENTED PROGRAM

Subpart A—General

Sec.
255.1 What is the Gifted and Talented Program?

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255.2 Who is eligible for an award?
255.3 What regulations apply?
255.4 What definitions apply?
255.10 What activities may the Secretary fund?
255.11 Must the applicant or grantee coordinate activities with other entities?

Subpart B—[Reserved]

Subpart C—How does the Secretary Make an Award?

255.30 How does the Secretary evaluate an application?
255.31 What selection criteria does the Secretary use?
255.32 What other factors does the Secretary consider in selecting grantees?

AUTHORITY: 25 U.S.C. 2624(c), unless otherwise noted.

SOURCE: 54 FR 20483, May 11, 1989, unless otherwise noted.

Subpart A—General

§ 255.1 What is the Gifted and Talented Program?

This program provides five grants to Bureau-funded schools for gifted and talented program research, development and dissemination.

(Authority: 25 U.S.C. 2624(c))

§ 255.2 Who is eligible for an award?

Bureau-funded schools are eligible for grants under this program.

(Authority: 25 U.S.C. 2624(c), 2651)

§ 255.3 What regulations apply?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 255.

(Authority: 25 U.S.C. 2624(c))

§ 255.4 What definitions apply?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2624(c))

§ 255.10 What activities may the Secretary fund?

The Secretary may fund program research and development, the development and dissemination of curriculum materials, and the development and dissemination of teacher training materials regarding one or more of the following:

(a) Gifted and talented students.

(b) College preparatory studies (including programs for Indian students interested in teaching careers).

(c) Students with special culturally related academic needs, including social, lingual, and cultural needs.

(d) Mathematics and science education.

(Authority: 25 U.S.C. 2624(c))

§ 255.11 Must the applicant or grantee coordinate activities with other entities?

(a) The supervisor of a Bureau school shall undertake jointly its application for, or administration of, a grant under this part with the supervisor of the local school board.

(b) Each grantee will work cooperatively with other recipients of funds under section 5324 of the Indian Education Act as part of a national network.

(Authority: 25 U.S.C. 2624(c), (d))

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 255.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the applicable criteria in § 255.31.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2624(c))

§ 255.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points). The Secretary assesses the need for the proposed project, including—

(1) The soundness of the rationale for the project and the extent and se-

verity among Indian children of the educational needs to be addressed;

(2) The extent to which the educational approach to be developed is likely to be successful in meeting the needs;

(3) The extent to which the applicant is knowledgeable about other projects that address similar needs or have tried similar approaches; and

(4) The likelihood that the project will serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points). The Secretary reviews the plan of operation to ensure that—

(1) The purpose of the project is consistent with the needs identified and the purpose of the funding program;

(2) The design of the project is of high quality;

(3) The objectives of the project—

(i) Relate to the purpose of the project;

(ii) Will provide clear and measurable indices of the project in progress in achieving its purpose; and

(iii) Are capable of being achieved within the project period;

(4) The activities are appropriate and should result in the accomplishment of the project objectives; and

(5) The plan of management is effective and ensures proper and efficient administration of the project.

(c) *Parental and community involvement.* (10 points). The Secretary determines whether parents of the children to be served and other members of the Indian community will be involved in the project, including the extent of their involvement in—

(1) Planning and developing the project; and

(2) Operating and evaluating the project.

(d) *Quality of key personnel.* (15 points). The Secretary reviews the key personnel the applicant plans to use on the project to ensure that—

(1) The project director has the experience and training needed for the position;

(2) Other key personnel have the experience and training needed for their positions in the project; and

(3) Sufficient time will be committed to the project by key personnel.

(e) *Budget and cost effectiveness.* (5 points). The Secretary reviews the budget to ensure that—

(1) The budget is adequate to support the project activities; and

(2) The costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points) The Secretary reviews the evaluation plan to ensure that—

(1) The evaluation will measure the project's effectiveness in meeting each objective;

(2) The evaluation will measure the impact of the project on the children involved, if applicable;

(3) The instruments for collecting data and the methods for analyzing the data are appropriate;

(4) There is an appropriate timetable for collecting, analyzing, and reporting data;

(5) Procedures have been established for modification of the project, if necessary, as a result of periodic progress assessments; and

(6) Adequate provision has been made to cooperate with recipients of funds under section 5324 of the Indian Education Act in evaluating the project.

(g) *Dissemination.* (10 points). The Secretary reviews the plan for disseminating information about the project, including the results of the project and any materials developed by the project to ensure that—

(1) The dissemination plan is effective and efficient;

(2) The materials disseminated are appropriate in terms of quality and utility;

(3) The method and techniques used by the project will be demonstrated;

(4) Schools interested in adapting or adopting the project's materials or methods will be assisted; and

(5) The findings of the project will be published at the local, State, or national level, and provision has been made to coordinate dissemination activities with recipients of funds under section 5324 of the Indian Education Act.

(h) *Adequacy of resources.* (5 points). The Secretary reviews the resources to be devoted to the project to ensure that—

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2624(c), (d))

[54 FR 20483, May 11, 1989, as amended at 54 FR 51029, Dec. 12, 1989]

§ 255.32 What other factors does the Secretary consider in selecting grantees?

In addition to using the selection criteria in § 255.31, the Secretary selects projects that achieve a mixture of projects described in § 255.10 to ensure that students at all grade levels and students in all geographic areas of the country are able to participate in some projects funded under this program.

(Authority: 25 U.S.C. 2624(c), (d))

PART 256—EDUCATIONAL PERSONNEL DEVELOPMENT

Subpart A—General

Sec.

256.1 Educational Personnel Development.
256.2 Who is eligible for assistance under these programs?
256.3 What regulations apply to these programs?
256.4 What definitions apply to these programs?

Subpart B—What Kinds of Activities Does the Secretary Assist Under These Programs?

256.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

256.20 What provisions for participation must an applicant make?

Subpart D—How Does the Secretary Make a Grant?

256.30 How does the Secretary evaluate an application?
256.31 To what applicants does the Secretary give priority?
256.32 What selection criteria does the Secretary use?
256.33 What other factors does the Secretary consider in selecting grantees under the section 5321(d) program?

Sec.

Subpart E—What Conditions Must Be Met by a Grantee

256.40 What costs are allowable for stipends and dependency allowances?
256.41 What other conditions must a grantee meet?

Subpart F—What Are the Administrative Responsibilities of a Grantee?

256.50 What preference must a grantee give in selecting participants?

Authority: 25 U.S.C. 2621(d), 2622, unless otherwise noted.

Source: 49 FR 23774, June 7, 1984, unless otherwise noted.

Subpart A—General

§ 256.1 Educational Personnel Development.

(a) Educational Personnel Development includes two programs supporting projects designed to:

(1) Prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

(2) Improve the qualifications of persons serving Indian students in these capacities.

(b) The two programs included in Educational Personnel Development are:

(1) The program authorized by section 5321(d) of the Indian Education Act and referred to in this part as the section 5321(d) Program; and

(2) The program authorized by section 5322 of the Indian Education Act and referred to in this part as the section 5322 Program.

(Authority: 25 U.S.C. 2621(d), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.2 Who is eligible for assistance under these programs?

(a) The following are eligible for assistance under the Section 5321(d) Program:

(1) Institutions of higher education.

(2) Local educational agencies (LEAs) in combination with institutions of higher education.

(3) State educational agencies (SEAs) in combination with institutions of higher education.

(b) The following are eligible for assistance under the Section 5322 Program:

(1) Institutions of higher education.

(2) Indian tribes.

(3) Indian organizations.

(Authority: 25 U.S.C. 2621(d), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.3 What regulations apply to these programs?

The following regulations apply to these programs:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 256.

(Authority: 25 U.S.C. 2621(d), 2622)

§ 256.4 What definitions apply to these programs?

The definitions in 34 CFR 250.4 apply to these programs.

(Authority: 25 U.S.C. 2621(d), 2622)

Subpart B—What Kinds of Activities Does the Secretary Assist Under These Programs?

§ 256.10 What types of projects may be funded?

(a) The Secretary may fund applications proposing projects designed to:

(1) Prepare persons to serve Indian students as educational personnel or ancillary educational personnel, as described in paragraph (b) of this section;

(2) Improve the qualifications of persons serving Indian students in these types of positions; or

(3) Provide in-service training to persons serving Indian students in these types of positions.

(b) Projects assisted under these programs may prepare participants for positions such as teachers, special educators of handicapped or gifted and talented students, bilingual-bicultural specialists, guidance counselors, school psychologists, school administrators, teacher aides, social workers, adult education specialists or instructors, or college administrators.

(Authority: 25 U.S.C. 2621(d), 2622)

Subpart C—How Does One Apply for a Grant?

§ 256.20 What provisions for participation must an applicant make?

Prior to the submission of an applicant under this Part, each applicant shall—

(a) To the extent consistent with the number of eligible children in the area to be served who are enrolled in private nonprofit elementary and secondary schools and whose needs are of the type that the program is intended to meet, make provision for the participation on an equitable basis of persons serving or preparing to serve these children as educational personnel or ancillary educational personnel; and

(b) Have provided for adequate participation by relevant tribal communities, including parents of Indian children, in planning and developing this project and have made provision for their participation in operating and evaluating the project.

(Authority: 25 U.S.C. 2621 (d), (f)(1), (2), 2622)

[54 FR 20484, May 11, 1989]

Subpart D—How Does the Secretary Make a Grant?

§ 256.30 How does the Secretary evaluate an application?

(a) The Secretary reviews and approves applications under the section 5321(d) Program separately from applications under the section 5322 Program.

(b) The Secretary evaluates each application under either program on the basis fo the criteria in § 256.32.

(c) The Secretary awards up to 100 possible total points for these criteria.

(d) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2621(d), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 256.32, the Secretary awards:

(a) Ten points to each application proposing a project in which all participants will be enrolled in—

(1) A course of study resulting in a degree at the bachelor's level or higher; or

(2) Courses beyond the bachelor's degree.

(b) Ten points to each application under the Section 5321(d) Program from an Indian institution of higher education;

(c) Ten points to each application under the Section 5321(d) Program proposing a project in which 100 percent of participants will be Indian.

(d) Fifteen points to each application under the Section 5322 Program from an Indian institution of higher education, Indian tribe, or Indian organization.

(Authority: 25 U.S.C. 2621 (d) and (f)(2)(B), 2622)

[49 FR 23774, June 7, 1984, as amended at 54 FR 20484, May 11, 1989]

§ 256.32 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the type of personnel to be trained.

(2) In making this determination the Secretary considers—

(i) The conclusions of and supporting evidence from a current needs assessment or other appropriate documentation; and

(ii) The recency fo the assessment or other documentation.

(b) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) In making this determination, the Secretary looks for:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective;

(iv) Techniques designed specifically to enable project participants to meet the needs of Indian students; and

(v) A plan for effective administration of the project.

(c) *Benefit to Indian students.* (10 points)

(1) The Secretary reviews each application to determine the likelihood that, after receiving training under the project, the participants will serve Indian studelts as educational personnel or ancillary educational personnel, as described in § 256.10(b).

(2) In making this determination, the Secretary considers:

(i) Policies or practices of the applicant, such as those governing selection of participants, that increase the likelihood that participants will serve Indian students on completion of the training; and

(ii) Evidence that, on completion of the training, participants will be able to obtain positions that involve the education of Indian students.

(d) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of the staff that the applicant plans to use for the project.

(2) In making this determination, the Secretary considers:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to

the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the participants; and

(ii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) In making this determination, the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0031)

(Authority: 25 U.S.C. 2621 (d), (f)(1), (2), 2622)

[49 FR 23774, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 20484, May 11, 1989]

§ 256.33 What other factors does the Secretary consider in selecting grantees under the section 5321(d) program?

In addition to using the selection criteria in § 256.32, the Secretary considers the prior performance of a grantee under the section 5321(d) program in selecting grantees for new awards under the section 5321(d) program.

(Authority: 25 U.S.C. 2621(d)(4))

[54 FR 20484, May 11, 1989]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 256.40 What costs are allowable for stipends and dependency allowances?

(a) A grantee may, from project funds, pay to participants stipends and allowances for dependents.

(b) Each year, the Secretary announces in a notice in the FEDERAL REGISTER the estimated maximum amount of a stipend and the estimated maximum amount of an allowance for dependents.

(c)(1) In determining a participant's need for assistance and the amount of the assistance, the grantee shall deduct financial assistance—other than loans—received or expected to be received by the participant for his or her living expenses and for the support of his or her dependents.

(2) The total financial assistance provided to a participant from all sources other than loans may not exceed the participant's need for that assistance.

(d)(1) Unless approved by the Secretary, the grantee may not pay a stipend or dependency allowance to a participant who is not a full-time student.

(2) The Secretary may approve payment of a partial stipend to a teacher aide who must take leave without pay in order to be a part-time student.

(Authority: 25 U.S.C. 2621(d), 2622)

§ 256.41 What other conditions must a grantee meet?

Each grantee shall provide adequate information to participants about the intent of the training program.

(Authority: 25 U.S.C. 2621(d), 2622)

[54 FR 20485, May 11, 1989]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 256.50 What preference must a grantee give in selecting participants?

In selecting project participants, a grantee shall give preference to Indians.

(Authority: 25 U.S.C. 2621(d), 2622)

PART 257—EDUCATIONAL SERVICES FOR INDIAN ADULTS

Subpart A—General

Sec.
257.1 Educational Services for Indian Adults.
257.2 Who is eligible for assistance under this program?
257.3 What regulations apply to this program?
257.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

257.10 What types of projects may be funded?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

257.30 How does the Secretary evaluate an application?
257.31 What selection criteria does the Secretary use?

AUTHORITY: 25 U.S.C. 2631, unless otherwise noted.

SOURCE: 49 FR 23776, June 7, 1984, unless otherwise noted.

Subpart A—General

§ 257.1 Educational Services for Indian Adults.

This program, Educational Services for Indian Adults, provides financial assistance for educational service projects designed to improve educational opportunities for Indian adults.

(Authority: 25 U.S.C. 2631(b))

§ 257.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) Indian tribes.

(b) Indian organizations.

(c) Indian institutions.

(Authority: 25 U.S.C. 2631(b))

§ 257.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 257.

(Authority: 25 U.S.C. 2631)

§ 257.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2631)

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 257.10 What types of projects may be funded?

(a) The Secretary makes grants under this program for services and instruction below the college level.

(b) The Secretary may fund applications proposing projects designed to:

(1) Enable Indian adults to acquire basic educational skills, including literacy;

(2) Enable Indian adults to continue their education through the secondary school level;

(3) Establish career education projects intended to improve employment opportunities; and

(4) Provide educational services or instruction for:

(i) Handicapped or elderly Indian adults; or

(ii) Incarcerated Indian adults.

(c) The types of projects listed in paragraph (b) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activities that meets the purposes of this program.

(d)(1) The Secretary does not fund under this program activities designed solely to prepare individuals to enter a specific occupation or cluster of closely related occupations in an occupational field after participating in the project.

(2) However, if the following types of activities are otherwise authorized under this part, the Secretary may fund:

(i) Activities that are designed to prepare individuals to benefit from occupational training; and

(ii) Activities that incidentally involve the teaching of employment-related skills.

(Authority: 25 U.S.C. 2631)

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 257.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 257.31.

(b) The Secretary awards up to 100 possible total points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2631(b))

§ 257.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for the proposed services.

(2) In making this determination, the Secretary considers:

(i) The needs to be addressed by the project, including the extent and severity of these needs as indicated by the number and percentage of Indian adults in the area to be served by the project who need the proposed services and by such factors as elementary and secondary school dropout or absenteeism rates, average grade level completed, unemployment rates, or other appropriate measures;

(ii) A description of other services in the area—including those offered by the applicant—that are designed to meet the same needs as those to be addressed by the project, and the number of Indian adults who receive these other services;

(iii) Evidence that these other services are insufficient in quantity or quality or both, or an explanation of why these other services are not used by adults who require the proposed services; and

(iv) An explanation of why the applicant lacks the financial resources to conduct the project.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the individuals to be served and other members of the Indian community are involved in the project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of

the staff that the applicant plans to use for the project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application for information to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the adults involved;

(ii) The applicant's plan for collecting and analyzing data including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the resources to be devoted to the project are adequate.

(2) In making this determination, the Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (b), (d))

[49 FR 23776, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988]

PART 258—PLANNING, PILOT, AND DEMONSTRATION PROJECTS FOR INDIAN ADULTS

Subpart A—General

Sec.

258.1 Planning, Pilot, and Demonstration Projects for Indian Adults.
258.2 Who is eligible for assistance under this program?
258.3 What regulations apply to this program?
258.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist under This Program?

258.10 What types of projects may be funded?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

258.30 How does the Secretary evaluate an application?
258.31 To what applicants does the Secretary give priority?
258.32 What selection criteria does the Secretary use for a planning grant?
258.33 What selection criteria does the Secretary use for a pilot grant?
258.34 What selection criteria does the Secretary use for a demonstration grant?

AUTHORITY: 25 U.S.C. 2631(a), unless otherwise noted.

SOURCE: 49 FR 23777, June 7, 1984, unless otherwise noted.

Subpart A—General

§ 258.1 Planning, Pilot, and Demonstration Projects for Indian Adults.

This program, Planning, Pilot, and Demonstration Projects for Indian Adults, provides financial assistance for planning, pilot, and demonstration projects designed to create, test, and demonstrate the effectiveness of programs for improving employment and educational opportunities for Indian adults.

(Authority: 25 U.S.C. 2631(a))

§ 258.2 Who is eligible for assistance under this program?

The following are eligible for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Indian tribes.

(d) Indian organizations.

(e) Indian institutions.

(Authority: 25 U.S.C. 2631(a))

§ 258.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in 34 CFR Part 250.

(b) The regulations in this Part 258.

(Authority: 25 U.S.C. 2631(a))

§ 258.4 What definitions apply to this program?

The definitions in 34 CFR 250.4 apply to this program.

(Authority: 25 U.S.C. 2631(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 258.10 What types of projects may be funded?

(a)(1) The Secretary may fund applications proposing projects designed to plan, test, or demonstrate the effectiveness of programs for improving employment and educational opportunities for Indian adults.

(2) An applicant may apply separately for one or more planning grants, pilot grants, or demonstration grants.

(3) An applicant may not apply for more than one type of grant for each proposed project.

(b) Proposed planning, pilot, or demonstration projects may include, but are not limited to, activities designed to develop, test, replicate, or adapt—

(1) Educational approaches to assist Indian adults in achieving basic literacy;

(2) Methods for improving the basic skills of Indian adults so that they may benefit from occupational training; or

(3) Educational approaches to assist Indian adults in qualifying for high school equivalency certificates in the shortest time feasible.

(c) The types of projects listed in paragraph (b) of this section are examples of projects the Secretary may fund under this program. An applicant may propose to carry out one or more of these activities or any other activity that meets the purposes of this program.

(d) If a proposed project includes services and instruction, those services and instruction must be below the college level.

(e)(1) The Secretary does not fund under this program activities designed solely to prepare individuals to enter a specific occupation or cluster of closely related occupations in an occupational field after participating in the project.

(2) However, if the following types of activities are otherwise authorized under this part, the Secretary may fund:

(i) Activities that are designed to prepare individuals to benefit from occupational training; and

(ii) Activities that incidentally involve the teaching of employment-related skills.

(f) *Priorities.* (1) Each year the Secretary may select for priority for planning, pilot, or demonstration grants one or more of the types of projects listed in paragraph (b) of this section.

(2) The Secretary publishes the selected priorities, if any, in a notice in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2631(a))

[49 FR 23777, June 7, 1984, as amended at 54 FR 20485, May 11, 1989]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 258.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the applicable criteria in § 258.32, 258.33, or 258.34, depending on the type of grant for which the applicant has applied.

(b) The Secretary awards up to 100 possible total points for the criteria established for each type of grant.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 25 U.S.C. 2631(a))

§ 258.31 To what applicants does the Secretary give priority?

In addition to the points awarded under § 258.32, 258.33, or 258.34, the Secretary:

(a) Awards 25 points to each application from an Indian tribe, Indian organization, or Indian institution; and

(b)(1) May award up to 10 points to an application for the extent to which the applicant addresses the priorities, if any, selected by the Secretary under § 258.10(f); or

(2) May give absolute preference to applications that address these priorities.

(Authority: 25 U.S.C. 2631(d)(3))

§ 258.32 What selection criteria does the Secretary use for a planning grant?

The Secretary uses the following selection criteria in evaluating each application for a planning grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the planning project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of sufficient magnitude among Indian adults;

(ii) A clear statement of the educational approach to be developed;

(iii) A description of the literature review, site visits, or other appropriate activity that shows that the applicant has made a serious attempt to learn from other projects that address similar needs or have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the planning project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which individuals to be served and other members of the Indian community are involved in the planning project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the planning project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the planning project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the planning project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure the project's effectiveness in meeting each objective;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the planning project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (a), (d))

[49 FR 23777, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988]

§ 258.33 What selection criteria does the Secretary use for a pilot grant?

The Secretary uses the following selection criteria in evaluating each application for a pilot grant:

(a) *Need.* (20 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the pilot project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian adults;

(ii) A clear statement of the educational approach to be tested in the project;

(iii) Evidence that:

(A) The plan upon which the pilot project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or that have tried similar approaches; and

(iv) Evidence that the project is likely to serve as a model for communities with similar educational needs.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows

the quality of the plan of operation for the pilot project.

(2) The Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which individuals to be served and other members of the Indian community are involved in the pilot project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the pilot project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section will commit to the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff for implementing the project.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the pilot project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the pilot project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the adults involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the pilot project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (a), (d))

[49 FR 23777, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 20485, May 11, 1989]

§ 258.34 What selection criteria does the Secretary use for a demonstration grant?

The Secretary uses the following selection criteria in evaluating each application for a demonstration grant:

(a) *Need.* (15 points)

(1) The Secretary reviews each application to determine the need for and the soundness of the rationale for the demonstration project.

(2) In making this determination, the Secretary looks for:

(i) An identification and description of the specific problem to be addressed and evidence that the problem is of significant magnitude among Indian adults;

(ii) A clear statement of the educational approach to be demonstrated and evidence that the project is likely to serve as a model for communities with similar educational needs; and

(iii) Evidence that:

(A) The plan and pilot project on which the proposed demonstration project is based included an adequate literature review, site visits, or other appropriate activity; and

(B) The applicant has made a serious attempt to learn from research and from other projects that address similar needs or have tried similar approaches.

(b) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the demonstration project.

(2) In making this determination, the Secretary looks for information that shows:

(i) A clear statement of the purpose of the project;

(ii) Objectives that are:

(A) Related to the purpose of the project;

(B) Sharply defined;

(C) Stated in measurable terms; and

(D) Capable of being achieved within the project period.

(iii) An activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective; and

(iv) A plan for effective administration of the project.

(c) *Community involvement.* (10 points)

(1) The Secretary reviews each application to determine the extent to which the individuals to be served and other members of the Indian community are involved in the demonstration project.

(2) The Secretary looks for information that shows that individuals to be served and other members of the Indian community:

(i) Were involved in planning and developing the demonstration project; and

(ii) Will be involved in operating and evaluating the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the demonstration project.

(2) The Secretary looks for information that shows:

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (d)(2) (i) and (ii) of this section will commit to the development of the project;

(iv) The extent to which the applicant will give preference to Indians in the hiring of project staff; and

(v) The procedures the applicant intends to use to train staff, if necessary, for implementing the projects.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the demonstration project has an adequate budget and is cost effective.

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(2) The Secretary looks for information that shows:

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan for evaluating the project.

(2) In making this determination, the Secretary considers:

(i) How well the evaluation will measure:

(A) The project's effectiveness in meeting each objective; and

(B) The impact of the project on the adults involved;

(ii) The applicant's plan for collecting and analyzing data, including:

(A) The appropriateness of the instruments to collect the data;

(B) The appropriateness of the method for analyzing the data; and

(C) The timetable for collecting and analyzing the data; and

(iii) Procedures for:

(A) Periodic assessment of the progress of the project; and

(B) If necessary, modification of the project as a result of that assessment.

(g) *Dissemination.* (15 points)

(1) The Secretary reviews each application for evidence that the applicant has an effective and efficient plan for disseminating information about the demonstration project, including the results of the project and any specialized materials developed by the project.

(2) In making this determination, the Secretary looks for:

(i) Information that shows high quality in the design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting interested Indian communities in adapting or adopting and successfully implementing the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(h) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the demonstration project.

(2) The Secretary looks for information that shows:

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1810-0021)

(Authority: 25 U.S.C. 2631 (a), (d))

[49 FR 23777, June 7, 1984, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 20485, May 11, 1989]

PART 263—INDIAN FELLOWSHIP PROGRAM

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AUTHORITY: 25 U.S.C. 2623, unless otherwise noted.

Subpart A—General

§ 263.1 What is the Indian Fellowship Program?

The Indian Fellowship Program provides fellowships to enable Indian students to pursue a course of study leading to—

(a) A postbaccalaureate degree in medicine, law, education, psychology, clinical psychology, or a related field; or

(b) An undergraduate or postbaccalaureate degree in business administration, engineering, natural resources, or a related field.

(Authority: 25 U.S.C. 2623)

[54 FR 21577, May 18, 1989]

§ 263.2 Who is eligible to apply under the Indian Fellowship Program?

(a) In order to be eligible for a fellowship an applicant must be:

(1) An Indian as defined in § 263.3;

(2) A United States citizen; and

(3)(i) Currently in attendance or accepted for admission as a full-time undergraduate or postbaccalaureate student at an accredited institution of higher education in one of the fields listed in § 263.4 or a related field; and

(ii) Recognized by that institution as a degree candidate.

(b) An applicant must not have obtained a terminal postbaccalaureate degree.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.3 What definitions apply to the Indian Fellowship Program?

The following definitions apply to the Indian Fellowship Program:

Department means the U.S. Department of Education.

Dependent allowance means costs for the care of minor children who reside with the Fellow.

Expenses means tuition and required fees, required university health insurance, room, personal living expenses, and board at or near the institution, travel in cases of extreme hardship, instructional supplies, and dependent allowance.

Fellow means the recipient of a fellowship under the Indian Fellowship Program.

Fellowship means an award under the Indian Fellowship Program.

Full course load means the number of credit hours which the institution requires of a full-time student.

Full-time student means a student who:

(a) Is a degree candidate;

(b) Carries a full course load; and

(c) Is not employed for more than 20 hours a week.

Good standing means a cumulative grade point average of at least 2.0 on a 4.0 grade point scale in which failing grades are computed as part of the average, or another appropriate standard established by the institution.

Indian means an individual who is—

(a) A member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organized group), including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside;

(b) A descendant, in the first or second degree, of an individual described in paragraph (a) of this definition;

(c) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(d) An Eskimo, Aleut, or other Alaska Native.

Institution of higher education means that term as defined in 34 CFR 250.4.

Secretary means the Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.

Stipend means that portion of a fellowship award that is used for room and board and personal living expenses.

Undergraduate degree means a baccalaureate (bachelor's) degree awarded by an institution of higher education.

(Authority: 25 U.S.C. 2623, 2651)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.4 What are the allowable fields of study?

(a) The following are allowable fields for a postbaccalaureate degree under this program:

(1) Medicine.
(2) Clinical Psychology.
(3) Law.
(4) Education.
(5) Psychology.

(b) The following are allowable fields for an undergraduate or postbaccalaureate degree under this program:

(1) Business Administration.
(2) Engineering.
(3) Natural resources.

(c) The Secretary considers, on a case-by-case basis, the eligibility of applications for fellowships in related fields of study.

(Authority: 25 U.S.C. 2623)

[54 FR 21577, May 18, 1989]

§ 263.5 What does a fellowship award include?

(a) The Secretary awards a fellowship in an amount up to, but not more than, the expenses as defined in this Part. The assistance provided by the program either—

(1) Fully finances a student's educational expenses; or

(2) Supplements other financial aid, including Federal funding, other than loans, for meeting educational expenses.

(b) The Secretary announces the expected maximum amounts for subsistence and other fellowship costs in the annual application notice published in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

Subpart B—What Should the Application Contain?

§ 263.6 Application contents: Evidence that the applicant is Indian.

An application must contain evidence that the applicant is Indian as defined in § 263.3 of this part.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.7 Application contents: Evidence of admission or attendance.

(a) An application must contain evidence that the applicant is currently in attendance or has been accepted for admission as a full-time student at an accredited institution of higher education in one of the eligible fields of study listed in § 263.4.

(b) An applicant who has not yet been accepted for admission may submit an application that the Secretary may consider, provided that the applicant is accepted by an accredited institution of higher education by a date to be specified by the Secretary.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.8 Application contents: Transcripts.

(a) An applicant for an undergraduate fellowship shall submit the most current official high school and, if appropriate, undergraduate transcripts.

(b) An applicant for a graduate fellowship shall submit the most current official undergraduate and, if appropriate, graduate transcripts.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

Subpart C—How Does the Secretary Select Fellows?

§ 263.11 What priorities may the Secretary establish?

(a) Each year the Secretary may establish priorities among the allowable fields of study described in § 263.4.

(b) The Secretary announces the priorities selected and the approximate amount of funds reserved for any combination of the various fields or related fields of study in the application notice published in the FEDERAL REGISTER.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21577, May 18, 1989]

§ 263.12 How does the Secretary evaluate applications?

(a) The Secretary evaluates an application on the basis of the criteria listed in paragraphs (c), (d), and (e) of this section, in addition to the priority points awarded under § 263.13. The maximum possible point range for each criterion is stated in parentheses. The number of points the Secretary awards for each criterion depends on how well the application addresses all of the factors of that criterion. The total number of points available under the criteria in this section is 100.

(b) The Secretary evaluates and ranks an application with other applications for the same field and related fields.

(c) *Official academic record.* (80 points) (1) The Secretary considers the quality of the applicant's academic record and the applicant's potential for success in his or her field of study by reviewing the items in paragraphs (c)(2) and (3) of this section.

(2) The Secretary reviews the applicant's grade and if applicable standardized test scores, such as the Scholastic Aptitude Test (SAT), American College Testing Assessment Program (ACT), Graduate Record Examination (GRE), Law School Admissions Test (LSAT), Medical College Admission Test (MCAT), and achievements tests.

(3) The Secretary reviews the applicant's official transcripts and any grade reports and test scores.

(d) *Leadership.* (10 points) (1) The Secretary reviews documentation of any leadership positions held by the applicant while in school and three letters of assessment that address the applicant's potential for success and leadership in his or her field of study.

(2) The applicant shall submit three letters, one from each of the following groups:

(i) A school principal, a teacher, an academic or non-academic instructor or counselor.

(ii) A college professor, a coordinator of a project funded under Subpart 1 of the Indian Education Act of 1988, or an academic advisor.

(iii) A member of a parent committee for a project funded under Subpart 1 of the Indian Education Act of 1988, a tribal council member, or a civic leader who has observed the applicant in educational, social, or civic activities.

(e) *Commitment.* (10 points) (1) The Secretary considers the applicant's commitment by reviewing an educational commitment essay written by the applicant. The Secretary awards up to 10 points for this criterion.

(2) In reviewing the essay, the Secretary looks for:

(i) The applicant's ability to write clearly;

(ii) How well and the extent to which the applicant expresses a commitment of pursuing his or her chosen field of study; and

(iii) The extent to which the essay explains how participation in the fellowship program will enable the applicant to achieve his or her potential and assist him or her in providing leadership to the Indian Community.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 21577, May 18, 1989]

§ 263.13 What priority is given to certain applicants?

(a) The Secretary awards not more than 10 percent of the fellowships, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

(b)The Secretary shall award 15 additional points beyond those awarded under § 263.12 to applicants who apply for graduate fellowships in the fields of business administration, engineering, natural resources, and related fields.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

Subpart D—What Conditions Must Be Met by Fellows?

§ 263.21 Required certification of information.

To verify further the accuracy of the information provided in the application, the applicant shall provide all information and documents as requested by the Secretary, including information on other financial aid sources for educational purposes. The applicant's failure to provide the requested information and documents invalidates the application.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

§ 263.22 Time period for a fellowship.

(a) The Secretary awards a fellowship for a period of time set by the school as standard for the allowable field of study or for a period of time—

(1) Not to exceed four academic years for an undergraduate or doctorate degree; and

(2) Not to exceed two academic years for a master's degree.

(b) The Secretary reviews the status of each Fellow at the end of each year and continues support only if the Fellow—

(1) Has complied with the Indian Education Act of 1988 and applicable regulations;

(2) Has remained a full-time student in good standing in the field in which the fellowship was awarded; and

(3) Has submitted a noncompeting continuation application requesting additional support.

(c) A fellowship terminates when the Fellow receives the degree being sought or after the Fellow has received the fellowship for the maximum number of years allowed as defined in paragraph (a) of this section, whichever comes first.

(d) A Fellow who received an undergraduate degree may seek support under this program to pursue a graduate level or postbaccalaureate degree by submitting a new application.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

§ 263.23 Responsibilities of a Fellow.

A Fellow shall—

(a) Start school during the first semester of the award at the institution named on the grant award document and complete at least one full academic term;

(b) Submit to the Secretary two copies of his or her official grade report at the close of each academic term at that institution; and

(c) Request a leave of absence from the Secretary for any interruption in his or her program of academic studies.

(Approved by the Office of Management and Budget under control number 1810-0020)

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 53 FR 49144, Dec. 6, 1988; 54 FR 21578, May 18, 1989]

§ 263.24 Leave of absence requests.

(a) A Fellow may request a leave of absence from the Secretary for a period not longer than 9 months.

(b) The Secretary permits a leave of absence only if the institution certifies that the Fellow is eligible to resume his or her course of study at the end of the leave of absence.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

§ 263.26 Discontinuation of fellowship payments.

(a) The Secretary may discontinue the fellowship, if the Fellow—

(1) Fails to comply with the provisions under this Part, including failure to obtain an approved leave of absence under § 263.24, or with the terms and conditions of the fellowship award; or

(2) Fails to report any change in his or her academic status.

(b) The Secretary will discontinue a fellowship only after providing reasonable notice and an opportunity for the Fellow to rebut, in writing or in an informal meeting with the responsible official in the Department of Education, the basis for the decision.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

Subpart E—Who is Responsible for Grant Payments?

§ 263.31 Disbursement of funds.

(a) Funds are disbursed directly to the institution of higher education where a Fellow is enrolled. Stipends must be distributed to Fellows in installments by the institution. No fewer than two installments per academic year may be made.

(b) If the fellowship is vacated or discontinued—

(1) The Secretary may elect to allow the fellowship to follow the Fellow to another institution if the Fellow transfers during the current award period and maintains eligibility for the award;

(2) The Secretary may award the unexpended funds from the fellowship to an alternate applicant at that institution for a period of study that does not exceed the term or amount of the original fellowship; or

(3) The Secretary may require the institution to return the unexpended funds.

(c) A Fellow who officially or unofficially withdraws or is expelled from an institution before completion of a term shall refund a prorated portion of the stipends, that has been received, as determined by the Secretary.

(Authority: 25 U.S.C. 2623)

[48 FR 35333, Aug. 3, 1983, as amended at 54 FR 21578, May 18, 1989]

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ABOUT THE COVER...

The cover art for the fiscal year 1990 NACIE Annual Report was created by Mr. Sam Goodman, a Navajo from Salt Lake City, Utah. "Power Eagle" is the title of the computer generated art and was created using a MAC II CX computer. The technological artistry of Mr. Goodman has also been featured in the American Indian Science and Engineering Society (AISES) publication, "Winds of Change".

Professionally, Mr. Goodman is a TV news photojournalist for a Salt Lake City, Utah ABC affiliate. Mr. Goodman received a Mass Communications degree in 1983 from Arizona State University and the University of Utah. In reference to his philosophical approach to his art Mr. Goodman comments..."in this day of high technology, it is common for many people to aggressively conquer portions of the technological medium in order to maintain a living. In contrast, for American Indians to succeed in the modern world, a positive attitude, as well as, a balanced interaction with the environment is the key".

The National Advisory Council on Indian Education is very pleased to have Mr. Goodman agree to do the cover art and shows the extent that determination and talent can go when given the chance in this technological age.

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